DOCUMENTS DEPARTMENT

CLOSED
STACKS

SAN FRANCISCO
PUBLIC LIBRARY

REFERENCE
BOOK

Not to be taken from the Library

JUL - 3 2000

DOCUMENTS DEPARTMENT

SAN FRANCISCO PUBLIC LIBRARY
3 1223 05465 4844

Digitized by the Internet Archive
in 2013

http://archive.org/details/minutesofmeeting1999sanf

SF
P30
#2
1/13/99

(Agenda)

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JANUARY 13, 1999

5:30 P.M., VETERANS WAR MEMORIAL BUILDING

401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
JAN 0 8 1999
SAN FRANCISCO
PUBLIC LIBRARY

[Note: After January 15, 1999 the Board will meet in Room 416, City Hall, 1 Dr. Carlton B. Goodlett Place.]

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 98-206

(A)
LINA JIANG, Appellant
vs.
DEPT. BULDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 2, 1998,
[for work done at 282 Minerva
[Street.
[APPLICATION NO. 9824637.
[FOR HEARING TODAY.

APPEAL NO. 98-211

(B)
MARIO J. GIORDANO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 7, 1998, for work
[done at 440-442 Holladay Ave.
[APPLICATION NO. 9813751.
[FOR HEARING TODAY.

APPEAL NO. 98-215

(C)
AGNES Y. CHUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 3, 1998,
[for work done at 1630 - 30th
[Avenue.
[APPLICATION NO. 9822847.
[FOR HEARING TODAY.

APPEAL NO. 98-216

(D)
SUHWA LEE HSU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 16, 1998,
[for work done at 1322 - 35th
[Avenue.
[APPLICATION NO. 9818115.
[FOR HEARING TODAY.

APPEAL NO. 98-218

CHANDRU MURTHI & ELIZABETH REAGH,
(E) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 23, 1998,
[for work done at 7 Downey Street.
[APPLICATION NO. 9825957.
[FOR HEARING TODAY.

APPEAL NO. 98-046

GERARDO PINTO & MARIANNE RUDDY,
Appellants
(4) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-178

HANNA BAQAIN, Appellant
(5) vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval on September 17,
[1998 by the Zoning Adminis-
[trator of a Health Permit
[Application Zoning Referral
[for a Small Self-Service
[Restaurant with tables and
[chairs at 1192 Guerrero Street
[under the NC-1 zoning district
[controls of Planning Code
[Section 710.44.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-194

DAVID KENNEALLY, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 16, 1998,
[of permit to Alter a Building
[(enclose front balconies on
[three floors) at 236-238 Point
[Lobos Avenue.
[APPLICATION NO. 9813171.
[FOR HEARING TODAY.

APPEAL NO. 98-189

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[7, 1998, to Victor Honig, permit
[to Erect a Building (24 live/wor
[(units) at 599 - Third Street.
[APPLICATION NO. 9721085S.
[FOR HEARING TODAY.

APPEAL NO. 98-195

THOMAS FITZGERALD & TERRY ALVILLAR,
Appellants
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[16, 1998, to Adrianne Iann,
[permit to Alter a Building
[(expand single car garage to
[three car garage with interior
[remodel and minor exterior
[changes) at 44 Reed Street.
[APPLICATION NO. 9814280.
[FOR HEARING TODAY.

3 1223 05465 4844

APPEAL NO. V98-192

LOUIS & MARGOT KOMARMY, ROBERT &
MILLICENT LALANNE, MABLE HIGASHI
AND NICHOLE HIGASHI, Appellants
(9) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard and Side
[Variances (construct a garage
[at the southeast corner of the
[property adjacent to the subject
[lot's rear easement, and to
[construct a new bedroom on the
[second floor at the southwest
[corner of the building by enclosing
[the existing deck; the new bathroom
[on the second floor will have
[a projecting window that encroaches
[into the required rear yard; the
[existing garage on the ground
[floor underneath the existing
[deck will be converted to a
[family room) granted to Sandy
[Boone at 2959 Lake Street.
[VARIANCE CASE NO. 98.061V.
[FOR HEARING TODAY.

(10) **CLOSED SESSION:**

(A) Public Comment on all matters pertaining to the Closed Session.

(B) Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Mid-year review of Goals/Objectives for Executive Secretary for Performance Management Program.

(C) Reconvenes in open session to vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b).

Date posted: January 7, 1999

2 [illegible]
107 SFPL [illegible]

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/ fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

SF
P30
#3
1/13/99

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JANUARY 13, 1999
5:30 P.M., VETERANS WAR MEMORIAL BUILDING
401 VAN NESS AVENUE, ROOM 428

DOCUMENTS DEPT.
JAN 22 1999
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Commissioner Chin asked for Judith Boyjian's opinion regarding a letter from Sue Hestor on conflicts of interest.

Vice President McInerney asked additional questions concerning the same subject.

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

APPEAL NO. 98-206

(A)
LINA JIANG, Appellant
vs.
DEPT. BULDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 2, 1998,
[for work done at 282 Minerva
[Street.
[APPLICATION NO. 9824637.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 5-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-211

(B)
MARIO J. GIORDANO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[December 7, 1998, for work
[done at 440-442 Holladay Ave.
[APPLICATION NO. 9813751.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 5-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $134.55 for a total of $269.10.

SPEAKER: Mario Giordano, appellant.

APPEAL NO. 98-215

(C)
AGNES Y. CHUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 3, 1998,
[for work done at 1630 - 30th
[Avenue.
[APPLICATION NO. 9822847.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 5-0 to **OVERRUL** the department with the **CONDITION** that the penalty be reduced to tw times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-216

(D)
SUHWA LEE HSU, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 16, 1998,
[for work done at 1322 - 35th
[Avenue.
[APPLICATION NO. 9818115.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $150.80 for a total of $301.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-218

(E)
CHANDRU MURTHI & ELIZABETH REAGH,
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on December 23, 1998,
[for work done at 7 Downey Street.
[APPLICATION NO. 9825957.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Becerril, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-046

(4)
GERARDO PINTO & MARIANNE RUDDY,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **February 17, 1999** at request of Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

The Board recessed from 6:53 to 7:05 p.m.

APPEAL NO. 98-178

(5)
HANNA BAQAIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval on September 17,
[1998 by the Zoning Adminis-
[trator of a Health Permit
[Application Zoning Referral
[for a Small Self-Service
[Restaurant with tables and
[chairs at 1192 Guerrero Street
[under the NC-1 zoning district
[controls of Planning Code
[Section 710.44.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 1-4 (President Cullum, Commissioners Becerril, Chin, Saunders dissented) to uphold the Zoning Administrator. Four votes are needed and the motion fails. Then upon motion by Commissioner Chin, the Board voted 5-0 to **UPHOLD** the Zoning Administator.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Danny Shamiyeh, attorney for appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 98-194

(6)
DAVID KENNEALLY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 16, 1998,
[of permit to Alter a Building
[(enclose front balconies on
[three floors) at 236-238 Point
[Lobos Avenue.
[APPLICATION NO. 9813171.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that only the balconies on the first and second stories shall be enclosed, the third story balcony remains unchanged.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department and Philip Whitehead, engineer for appellant.

APPEAL NO. 98-189

(7)
COALITION FOR JOBS, ARTS & HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[7, 1998, to Victor Honig, permit
[to Erect a Building (24 live/work
[(units) at 599 - Third Street.
[APPLICATION NO. 9721085S.
[FOR HEARING TODAY.

After being polled whether they had reviewed and considered the Negative Declaration, all Commissioners answered "aye."

ACTION: After discussion, upon motion by Commissioner Becerril, the Board voted 4-1 (Commissioner Chin dissented) to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**.

SPEAKERS: Sue Hestor, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Steven Vettel, attorney for permit holder.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JANUARY 13, 1999 (cont'd.)

APPEAL NO. 98-195

(8)

THOMAS FITZGERALD & TERRY ALVILLAR,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[16, 1998, to Adrianne Iann,
[permit to Alter a Building
[(expand single car garage to
[three car garage with interior
[remodel and minor exterior
[changes) at 44 Reed Street.
[APPLICATION NO. 9814280.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Lynn Axelrod, attorney for appellants; John Winder, architect for appellant; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Robert Passmore, Zoning Administrator for Planning Department; Judith Boyajian, Deputy City Attotrney; and E. Steven Atkinson, attorney for permit holder.

The Board recessed from 8:30 to 8:38 p.m.

APPEAL NO. V98-192

(9)

LOUIS & MARGOT KOMARMY, ROBERT &
MILLICENT LALANNE, MABLE HIGASHI
AND NICOLE HIGASHI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard and Side
[Variances (construct a garage
[at the southeast corner of the
[property adjacent to the subject
[lot's rear easement, and to
[construct a new bedroom on the
[second floor at the southwest
[corner of the building by enclosing
[the existing deck; the new bathroom
[on the second floor will have
[a projecting window that encroaches
[into the required rear yard; the
[existing garage on the ground
[floor underneath the existing
[deck will be converted to a
[family room) granted to Sandy
[Boone at 2959 Lake Street.
[VARIANCE CASE NO. 98.061V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and his findings.

SPEAKERS: Louis Komarmy and Nicole Higashi, appellants; Robert Passmore, Zoning Administrator for the Planning Department; Sandy Boone, variance holder; and Alex Najar, in support of variance.

(10) **CLOSED SESSION:**

(A) Public Comment on all matters pertaining to the Closed Session.

SPEAKERS: None.

(B) Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Mid-year review of Goals/Objectives for Executive Secretary for Performance Management Program.

(C) Reconvenes in open session to vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b).

SPEAKERS: None.

There being no further business, President Cullum adjourned the meeting at 9:20 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

SF
P30
#2
/20/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JANUARY 20, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
JAN 15 199
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING**: Letter from Mark Jacobs, appellant requesting rehearing of Appeal No. 98-173, 1224 - 1226 Kearny Street. Hearing December 23, 1998. Upon motion by Commissioner Becerril, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit. The appellant did not appear.

APPEAL NO. 98-197

(4) RICCI SIMS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 19, 1998,
[of driver public passenger permit.
[PERMIT NO. 47750.
[FOR HEARING TODAY.

APPEAL NO. 98-155

(5) ANDREW GRIMSTAD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1998, to Sharon Dewberry,
[permit to Alter Building (two
[story rear addition-convert
[one unit building to two units)
[at 859 Elizabeth Street.
[APPLICATION NO. 9716253.
[FOR HEARING TODAY.

APPEAL NO. 98-083

(6) ROSEMARY MacGUINESS & PHILIP BELLBER,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinination by the Zoning
[Administrator dated April 24,
[1998 that Building Permit Appli-
[cation No. 9701443 to convert
[a residential building at 240-242
[Carl Street from three to four
[units, its former use, cannot
[be approved under Planning Code
[Section 183, since a non-conforming
[use cannot be reinstated once
[the building has been brought
[into compliance with the Planning
[Code. Here the fourth unit had
[been installed without a permit
[originally and the property is
[zoned RH-3.
[FOR HEARING TODAY.

APPEAL NO. V98-200

(7) RICHARD CHOY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 30, 1998, of
[Rear Yard Variance (construct
[a third dwelling unit on the
[second story of an existing
[two-story mixed-use building;
[the proposed residential unit
[would be at the rear of two
[existing dwelling units, and
[above an existing non-complying
[garage, which encroaches into
[the required rear yard) at
[118-120 Sagamore Street.
[VARIANCE CASE NO. 98.652V.
[FOR HEARING TODAY.

(8) **ANNUAL ELECTION OF BOARD OFFICERS.**

Date posted: January 14, 1999

MEMBERS OF THE BOARD OF APPEALS

CAROLE S. CULLUM	PRESIDENT
JOHN E. McINERNEY, III	VICE PRESIDENT
ALICIA D. BECERRIL	COMMISSIONER
ARNOLD Y.K. CHIN	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Carole Cullum, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

f
30
3
/20/99

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, JANUARY 20, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Carole Cullum, Vice President John McInerney, Commissioners Alicia Becerril, Arnold Chin, and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.
FEB 12 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President Cullum remarked how good it is to be in City Hall.

Commissioner Becerril reminded the Board members that President Cullum will be reappointed tomorrow.

(3) **REQUEST FOR REHEARING:** Letter from Mark Jacobs, appellant requesting rehearing of Appeal No. 98-173, 1224 - 1226 Kearny Street. Hearing December 23, 1998. Upon motion by Commissioner Becerril, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit. The appellant did not appear.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **GRANT** the rehearing and scheduled it for **February 3, 1999.**

SPEAKERS: Mark Jacobs, appellant; and Peter Wilson, permit holder.

APPEAL NO. 98-197

(4)
RICCI SIMS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 19, 1998,
[of driver public passenger permit.
[PERMIT NO. 47750.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. 98-155

(5)
ANDREW GRIMSTAD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[14, 1998, to Sharon Dewberry,
[permit to Alter Building (two
[story rear addition-convert
[one unit building to two units)
[at 859 Elizabeth Street.
[APPLICATION NO. 9716253.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. 98-083

(6)
ROSEMARY MacGUINESS & PHILIP BELLBER,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinination by the Zoning
[Administrator dated April 24,
[1998 that Building Permit Appli-
[cation No. 9701443 to convert
[a residential building at 240-242
[Carl Street from three to four
[units, its former use, cannot
[be approved under Planning Code
[Section 183, since a non-conforming
[use cannot be reinstated once
[the building has been brought
[into compliance with the Planning
[Code. Here the fourth unit had
[been installed without a permit
[originally and the property is
[zoned RH-3.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **March 10, 1999.**

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JANUARY 20, 1999 (cont'd.)

APPEAL NO. V98-200

(7)
RICHARD CHOY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on October 30, 1998, of
[Rear Yard Variance (construct
[a third dwelling unit on the
[second story of an existing
[two-story mixed-use building;
[the proposed residential unit
[would be at the rear of two
[existing dwelling units, and
[above an existing non-complying
[garage, which encroaches into
[the required rear yard) at
[118-120 Sagamore Street.
[VARIANCE CASE NO. 98.652V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance with conditions and findings.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Douglas Mendoza, designer for appellant; and Richard Choy, appellant.

(8) **ANNUAL ELECTION OF BOARD OFFICERS.**

ACTION: Upon motion by Commissioner Chin, the Board voted 5-0 to **ELECT** John McInerney as President and Alicia Becerril as Vice President.

There being no further business, President Cullum adjourned the meeting at 6:20 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

SF
?30
2
/3/99

DOCUMENTS DEPT
JAN 29 1999
SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, FEBRUARY 3, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

DOCUMENTS DEPT.
JAN 29 1999
SAN FRANCISCO
PUBLIC LIBRARY

(1) ELECTION OF VICE PRESIDENT.

(2) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(3) COMMISSIONERS COMMENTS AND QUESTIONS.

(4) REQUEST FOR REHEARING: Letter from Christopher J. Collins, attorney for Jote Kejela, appellant, requesting rehearing of Appeals Nos. 98-131 and 98-153. Hearing December 9, 1998. Upon motion by Commissioner Chin, the Board voted 5-0 to **UPHOLD** the department and **REVOKE** the color schmeme permit (Appeal No. 98-131). Then upon motion by Commissioner Chin, the Board voted 3-2 (Vice President McInerney and Commissioner Becerril dissented) to overrule the department and reinstate the taxicab permit medallion. Four votes are needed and the motion failed. The revocation is **UPHELD** (Appeal No. 98-153).

APPEAL NO. 99-004

(5) MARY MEJIA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on January
[14, 1999, for work done at
[65 Keystone Way.
[APPLICATION NO. 9821674.
[FOR HEARING TODAY.

APPEAL NO. 96-138

(6) NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bed-
[room at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

APPEAL NO. 98-173

(7) MARK B. JACOBS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Peter Wilson, permit
[to Erect a Building (three stories
[with two dwelling units) at
[1224 - 1226 Kearny Street.
[APPLICATION NO. 9709731S.
[FOR REHEARING TODAY.

APPEAL NO. 98-202

HAROLD F. BRENNAN, Appellant
(8) vs.
ART COMMISSION, Respondent

[Disapproval on November 3,
[1998, of Street Artist Cer-
[tification for framed compo-
[sitions of butterflies and
[insects.
[FOR HEARING TODAY.

APPEAL NO. 98-205

WILL TURNER, Appellant
(9) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1998, to Melchor Carrion,
[permit to Alter a Building
[(legalize an existing room built
[at the rear of the second floor
[level of the two unit building;
[remove existing storage room at
[garage level to meet with the
[parking garage dimensions; provid
[recorded declaration to maintain
[existing windows shown on plans)
[at 1996 - 25th Street.
[APPLICATION NO. 9622349.
[FOR HEARING TODAY.

APPEAL NO. V98-204

ANNE CLARK RONCE, Appellant
(10) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Off-Street Parking
[Variance (to provide off-street
[parking spaces required by
[Planning Code Section 151 and
[March 26, 1998 Zoning Admin-
[istrator determination within
[800 feet walking distance of
[105 Miles Street on a month-to
[month basis, instead of the
[90-year lease terms stipulated
[in Planning Code Sections 195(c)
[and (e) and July 1996 Interpre-
[tations of the Planning Code)
[granted to the University Club
[at 105 Miles Street.
[VARIANCE CASE NO. 97.358V.
[FOR HEARING TODAY.

Items (11A), (11B) and (11C) shall be heard together

APPEAL NO. 98-149

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(11A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1998, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1099 - 23rd
[Street.
[APPLICATION NO. 9715551.
[FOR HEARING TODAY.

APPEAL NO. 98-150

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(11B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1988, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1011 - 23rd
[Street.
[APPLICATION NO. 9715550.
[FOR HEARING TODAY.

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(11C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1988, to 1001 - 23rd Street
[LLC, permit to Erect a Building
[(20 live/work units) at
[1207 Indiana Street.
[APPLICATION NO. 9715552.
[FOR HEARING TODAY.

APPEAL NO. 98-219

KARIN WIKSTROM, Appellant
(12) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[16, 1998, to the 2130 Harrison
[Associates, permit to Erect a
[Building (26 live/work units)
[at 2130 Harrison Street.
[APPLICATION NO. 9801527S.
[FOR HEARING TODAY.

ate posted: January 28, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	COMMISSIONER
CAROLE S. CULLUM	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 554-6720, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

SF
P30
#3
2/3/99

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 3, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting. This was repeated before Item 10 for those arriving late.

(1) **ELECTION OF VICE PRESIDENT.**

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **ELECT** Commissioner Chin as Vice President.

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.
FEB 10 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President McInerney presented a plaque to Commissioner Cullum for serving with distinction as president for two years.

President McInerney spoke briefly on his goals as president.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 3, 1999 (cont'd.)

(4) **REQUEST FOR REHEARING:** Letter from Christopher J. Collins, attorney for Jote Kejela, appellant, requesting rehearing of Appeals Nos. 98-131 and 98-153. Hearing December 9, 1998. Upon motion by Commissioner Chin, the Board voted 5-0 to **UPHOLD** the department and **REVOKE** the color schmeme permit (Appeal No. 98-131). Then upon motion by Commissioner Chin, the Board voted 3-2 (Vice President McInerney and Commissioner Becerril dissented) to overrule the department and reinstate the taxicab permit medallion. Four votes are needed and the motion failed. The revocation is **UPHELD** (Appeal No. 98-153).

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **DENY** the request for rehearing for Appeal No. 98-131. Then upon motion by Commissioner Cullum, the Board voted 4-0 to **GRANT** the request for rehearing for Appeal No. 98-153 and scheduled it for **March 24, 1999.**

SPEAKERS: Christopher Collins, attorney for appellant; Sergeant William Coggan, attorney for S.F.P.D.; and Margaret Baumgartner, Deputy City Attorney.

APPEAL NO. 99-004

(5)
MARY MEJIA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on January
[14, 1999, for work done at
[65 Keystone Way.
[APPLICATION NO. 9821674.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $562.58 for a total of $1,125.16.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 96-138

(6)
NEIL CHAITIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[8, 1996, to Farah Champsi, permit
[to Alter a Building (horizontal
[rear addition to enlarge family
[room at first floor, enlarge bed-
[room at second floor and add deck
[at third floor) at 2740 Divisadero
[Street.
[APPLICATION NO. 9310717S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **UPHOLD** th department and **GRANT** the permit with **CONDITIONS** as agreed to by th parties.

SPEAKERS: Jeremy Paul, agent for permit holder was present but did not speak.

APPEAL NO. 98-173

(7)
MARK B. JACOBS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September
[11, 1998, to Peter Wilson, permit
[to Erect a Building (three stories
[with two dwelling units) at
[1224 - 1226 Kearny Street.
[APPLICATION NO. 9709731S.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Mark Jacobs, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Peter Wilson, permit holder; and Charles Gresham, in support of permit holder.

APPEAL NO. 98-202

(8)
HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3,
[1998, of Street Artist Cer-
[tification for framed compo-
[sitions of butterflies and
[insects.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **March 17, 1999** at request of appellant.

APPEAL NO. 98-205

(9)
WILL TURNER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[17, 1998, to Melchor Carrion,
[permit to Alter a Building
[(legalize an existing room built
[at the rear of the second floor
[level of the two unit building;
[remove existing storage room at
[garage level to meet with the
[parking garage dimensions; provide
[recorded declaration to maintain
[existing windows shown on plans)
[at 1996 - 25th Street.
[APPLICATION NO. 9622349.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with findings of the Planning staff/Commission adopted for Section 311.

SPEAKERS: Will Turner, appellant; Robert Passmore, Zoning Administrator for the Planning Department; and Jaime Carrion, permit holder's son.

The Board recessed from 6:56 to 7:05 p.m.

APPEAL NO. V98-204

ANNE CLARK RONCE, Appellant
(10) vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Off-Street Parking
[Variance (to provide off-street
[parking spaces required by
[Planning Code Section 151 and
[March 26, 1998 Zoning Admin-
[istrator determination within
[800 feet walking distance of
[105 Miles Street on a month-to
[month basis, instead of the
[90-year lease terms stipulated
[in Planning Code Sections 195(c)
[and (e) and July 1996 Interpre-
[tations of the Planning Code)
[granted to the University Club
[at 105 Miles Street.
[VARIANCE CASE NO. 97.358V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board vote 4-0 to **CONTINUE** the matter to **June 9, 1999** to address isses raised a the hearing.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; An Clark Ronce, appellant; Jack Horner read appellant's statement into th record; Deborah Blackburn, Judy Evans, Colleen Ality, Nancy Burns, i support of appellant; Timothy Tosta, attorney for variance holder; Dek Kastner, manager of the club; and Judith Boyajian, Deputy City Attorney.

Upon motion by Vice President Chin, the Board voted 4-0 to RECUSE President McInerne on the next four items. President McInerney left the room at 8:09 p.m.

Items (11A), (11B) and (11C) were heard together

APPEAL NO. 98-149

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(11A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1998, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1099 - 23rd
[Street.
[APPLICATION NO. 9715551.
[FOR HEARING TODAY.

APPEAL NO. 98-150

COALITION FOR JOBS, ARTS & HOUSING,
Appellant
(11B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 31,
[1988, to 1001 - 23rd Street LLC,
[permit to Erect a Building (20
[live/work units) at 1011 - 23rd
[Street.
[APPLICATION NO. 9715550.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 3, 1999 (cont'd.)

APPEAL NO. 98-162

COALITION FOR JOBS, ARTS & HOUSING, Appellant
(11C) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[21, 1988, to 1001 - 23rd Street
[LLC, permit to Erect a Building
[(20 live/work units) at
[1207 Indiana Street.
[APPLICATION NO. 9715552.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permits with findings by the attorney for permit holder and with **CONDITIONS** relating to the Notice of Special Restrictions and an acknowledgement by buyers, and the addition of an elevator in each of the buildings.

SPEAKERS: Sue Hestor, attorney for appellant; Norman Rolfe, Jennifer Clarion, Joan Holden, Paul Minton, Judy West, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; and Mack Burton, Joe O'Donoghue, Regan Carroll, in support of permit holder.

The Board recessed from 9:30 to 9:47 p.m.

APPEAL NO. 98-219

KARIN WIKSTROM, Appellant
(12) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[16, 1998, to the 2130 Harrison
[Associates, permit to Erect a
[Building (26 live/work units)
[at 2130 Harrison Street.
[APPLICATION NO. 9801527S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commission Cullum, the Board voted 3-0 to **UPHOLD** the department and **GRANT** the permit with findings and **CONDITIONS** relating to the Notice of Special Restrictions and an acknowledgement by buyers with notorized signatures.

SPEAKERS: Sue Hestor, attorney for appellant; Hanna Kahn, Joan Holden, Judy West, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; Rafael Torres-Gil, Senior Building Inspector the Department of Building Inspection; Joe O'Donoghue, Bernard Thomas, Dwight Oliver, in support of permit holder.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 3, 1999 (cont'd.)

There being no further business, Vice President Chin adjourned the meeting at 10:43 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

SF
P30
#2
2/10/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, FEBRUARY 10, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
FEB 04 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING**: Letter from Lynn Axelrod, attorney for appellants, requesting rehearing of Appeal No. 98-195, 44 Reed Street. Hearing January 13, 1999. Upon motion by Vice President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

Items (4A) and (4B) shall be heard together

APPEAL NO. 98-208

(4A)	CHARLES & LUCINDA CROCKER, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on December 2, 1998, [of permit to Alter a Building [(interior remodelling; enclose [existing entry foyer; revision [of rear facade; communicate [openings with 1403 Montgomery [Street) at 1405 Montgomery Street. [APPLICATION NO. 9821647S. [FOR HEARING TODAY.

APPEAL NO. 98-209

(4B)	CHARLES & LUCINDA CROCKER, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on December 3, 1998, [of permit to Alter a Building [(interior remodelling; revision [of existing facades; revision [of existing roofline; communi- [cate openings with 1405 Mont- [gomery Street) at 1403 Montgomery [Street. [APPLICATION NO. 9821648S. [FOR HEARING TODAY.

APPEAL NO. 98-210

(5)	TED GULLICKSON, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on November [20, 1998, to Gillian Ellenby, [permit to Alter a Building [(vertical addition to create [four live/work units) at [723-725 Tehama Street. [APPLICATION NO. 9801230. [FOR HEARING TODAY.

APPEAL NO. 98-212

(6) RAINER F. & BEATRICE W. BALDAUF, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November
[25, 1998, to Deleys Brandman,
[permit to Alter a Building
[(provide as-built drawings show-
[ing change in number of windows
[change in walkway and deletion
[of exterior door; objection to
[vent on kitchen wall)
[at 38 West Clay Street.
[APPLICATION NO. 9824371.
[FOR HEARING TODAY.

APPEAL NO. 98-207

(7) PACT, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated November
[23, 1998 that the legal use
[of the property at 635 Divi-
[sadero Street is two-family
[residential and that the NC-2
[zoning of the property allows
[office use on the first floor
[as a principal permitted use,
[on the second floor as a con-
[ditional use, and that office
[use is not permitted on the
[third floor at all; appellant
[requests permission to file
[conditional use application for
[use of the entire building for
[office use.
[FOR HEARING TODAY.

Items (8A) and (8B) shall be heard together

APPEAL NO. 98-057

(8A) RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR REHEARING TODAY.

APPEAL NO. 98-058

(8B) RATHNEW CORPORATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR REHEARING TODAY.

(9) **PROPOSED AMENDMENT TO RULES OF BOARD:** Article V, Section 2(a), 2(e)(1), 2(and 2(g). Copies of documents to be submitted with originals to Board for ap to increase from nine to ten copies to enable office to send copies to depar representatives.

Date posted: February 4, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 554-6720 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 875 Stevenson Street, Room 440, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contac Catherine Johnson at 554-6720 at least 72 hours prior to the hearing. Late request will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require th use of a reader during the meeting, please contact Catherine Johnson at 554-6720 at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemica sensitivity or related disabilities should call the accessibility hotline at (415 554-8925 to discuss meeting accessibility. In order to assist the City's effort to accommodate such people, attendees at public meetings are reminded that othe attendees may be sensitive to various chemical based products. Please help th City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets Accessible MUNI Metro lines serving this location are the J, K, L, M and N whic stop at Van Ness Avenue and Market Street, and Civic Center station, and the 3 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaz across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view o the public. Commissions, boards, councils and other agencies of the City and Count exist to conduct the people's business. This ordinance assures that deliberation are conducted before the people and that City operations are open to the people' review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 o the San Francisco Administrative Code) or to report a violation of the ordinance contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remir individuals and entities that influence or attempt to influence local legislati or administrative action that they may be required by the San Francisco Lobbyi Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbyir activity. For more information about the Lobbyist Ordinance, please contact th Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
875 Stevenson Street, Room 440
San Francisco, California 94103-0939
(415) 554-6720

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

SF
P30
.3
2/10/99

DOCUMENTS DEPT.
FEB 25 1999
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 10, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Sue Hestor commented on the new hearing room deficiencies.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: President McInerney presented a resolution to Alicia Becceril and congratulated her on appointment to the Board of Supervisors.

Alicia Becerril thanked the Board for its support during her five months on it.

(3) REQUEST FOR REHEARING: Letter from Lynn Axelrod, attorney for appellants, requesting rehearing of Appeal No. 98-195, 44 Reed Street. Hearing January 13, 1999. Upon motion by Vice President McInerney, the Board voted 5-0 to UPHOLD the department and GRANT the permit.

ACTION: After discussion, upon motion by Vice President Chin, the Board votec 4-0 to **GRANT** rehearing.

SPEAKERS: The parties were present and did not testify.

APPEAL NO. 98-195

THOMAS FITZGERALD & TERRY ALVILLAR,
Appellants
(3A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October
[16, 1998, to Adrianne Iann,
[permit to Alter a Building
[(expand single car garage to
[three car garage with interior
[remodel and minor exterior
[changes) at 44 Reed Street.
[APPLICATION NO. 9814280.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit with the agreemen signed by the parties as **CONDITION** of approval.

Items (4A) and (4B) were heard together

APPEAL NO. 98-208

CHARLES & LUCINDA CROCKER, Appellants
(4A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 2, 1998,
[of permit to Alter a Building
[(interior remodelling; enclose
[existing entry foyer; revision
[of rear facade; communicate
[openings with 1403 Montgomery
[Street) at 1405 Montgomery Street.
[APPLICATION NO. 9821647S.
[FOR HEARING TODAY.

APPEAL NO. 98-209

CHARLES & LUCINDA CROCKER, Appellants
(4B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 3, 1998,
[of permit to Alter a Building
[(interior remodelling; revision
[of existing facades; revision
[of existing roofline; communicate openings with 1405 Montgomery Street) at 1403 Montgomery
[Street.
[APPLICATION NO. 9821648S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **CONTINUE** tl matters to **February 17, 1999.**

SPEAKERS: None.

APPEAL NO. 98-210

(5)
TED GULLICKSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[20, 1998, to Gillian Ellenby,
[permit to Alter a Building
[(vertical addition to create
[four live/work units) at
[723-725 Tehama Street.
[APPLICATION NO. 9801230.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to CONTINUE the matter to **February 17, 1999** to allow the parties to brief the jurisdictional issues. Briefs are due by FAX **February 16, 1999.**

SPEAKERS: Sue Hestor, attorney for appellants; and Andrew Zacks, attorney for permit holder.

APPEAL NO. 98-212

(6)
RAINER F. & BEATRICE W. BALDAUF, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on November
[25, 1998, to Deleys Brandman,
[permit to Alter a Building
[(provide as-built drawings show-
[ing change in number of windows;
[change in walkway and deletion
[of exterior door; objection to
[vent on kitchen wall)
[at 38 West Clay Street.
[APPLICATION NO. 9824371.
[FOR HEARING TODAY.

ACTION: RESCHEDULED prior to hearing to **March 24, 1999** at request of appellants.

APPEAL NO. 98-207

(7)
PACT, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated November
[23, 1998 that the legal use
[of the property at 635 Divi-
[sadero Street is two-family
[residential and that the NC-2
[zoning of the property allows
[office use on the first floor
[as a principal permitted use,
[on the second floor as a con-
[ditional use, and that office
[use is not permitted on the
[third floor at all; appellant
[requests permission to file
[conditional use application for
[use of the entire building for
[office use
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Saunders, the Board vote 4-0 to CONTINUE the matter to **June 9, 1999** to allow PACT to seek legislative relief.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; an Charlene Folsom, appellant.

Items (8A) and (8B) were heard together

APPEAL NO. 98-057

RATHNEW CORPORATION, Appellant
(8A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Demolish a Building
[at 1725 Lake Street.
[APPLICATION NO. 9721774.
[FOR REHEARING TODAY.

APPEAL NO. 98-058

RATHNEW CORPORATION, Appellant
(8B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 20, 1998, of
[permit to Erect a Building
[(three-stories, two units)
[at 1723-1725 Lake Street.
[APPLICATION NO. 9721775S.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board vot 2-2 (Commissioners Cullum and Saunders dissented) to overrule the depar ment and grant the permits. Four votes are needed and the motion faile The department is **UPHELD** and the permits are **DENIED**.

SPEAKERS: Robert Passmore, Zoning Adminstrator for the Planning Department; Ali Barkley, attorney for appellant; Joe O'Donoghue, Dona Browder, Kev Shannan, Paul Talty; Mack Burton, Angus McCarthy, in favor of the appe lant; and Yasuko Morimoto, Larry Minnich, Eric Reyes, Stephanie Or Gina Reyes, Carl Marshall, Nan Roth, George K. Woo, Joe Butler, Hiros Fukuda, Stephen Williams, in support of department.

The Board recessed from 7:07 to 7:21 p.m.

(9) PROPOSED AMENDMENT TO RULES OF BOARD: Article V, Section 2(a), 2(e)(1), 2(e)(and 2(g). Copies of documents to be submitted with originals to Board for appea to increase from nine to ten copies to enable office to send copies to departme representatives.

ACTION: Upon motion by Commissioner Chin, the Board voted to **AMEND** the rul and increase number of required copies from nine to ten.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, FEBRUARY 10, 1999 (cont'd.)

There being no further business, President McInerney adjourned the meeting at 8:04 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

F
30
2
17/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 17, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
FEB 12 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 98-046

GERARDO PINTO & MARIANNE RUDDY,
Appellants
(3) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-035

VICTOR TWAL dba "BUDDIES",
Appellant
(4) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998,
[of permit to Alter a Building
[(legalize 3' x 4' x 12'6"
[awning and sign installed with-
[out permit) at 498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

APPEAL NO. 98-177

3175 - 17TH STREET LP, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on September 29, 1998
[of permit to Alter a Building
[(convert vacant warehouse to
[12 live/work units) at
[3175 - 17th Street.
[APPLICATION NO. 9803199S.
[FOR HEARING TODAY.

APPEAL NO. 98-198

ONSITE ADVERTISING, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 29, 1998,
[of permit to Erect a Sign
[(replacement of non-electric,
[non-illuminated, single-faced
[painted wall sign with copy
[change) at 26 Seventh Street.
[APPLICATION NO. 9811342.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

APPEAL NO. 98-208

(7A)
CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 2, 1998,
[of permit to Alter a Building
[(interior remodelling; enclose
[existing entry foyer; revision
[of rear facade; communicate
[openings with 1403 Montgomery
[Street) at 1405 Montgomery Street
[APPLICATION NO. 9821647S.
[FOR HEARING TODAY.

APPEAL NO. 98-209

(7B)
CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 3, 1998,
[of permit to Alter a Building
[(interior remodelling; revision
[of existing facades; revision
[of existing roofline; communi-
[cate openings with 1405 Mont-
[gomery Street) at 1403 Montgomery
[Street.
[APPLICATION NO. 9821648S.
[FOR HEARING TODAY.

APPEAL NO. 98-163

(8)
EDITH McMILLAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[25, 1998, to Troung Sandy Lam,
[permit to Alter a Building
[(partial replacement of concrete
[slab; replacement of two floor
[joists; replacement of subfloor)
[at 641 - 28th Avenue.
[APPLICATION NO. 9515970.
[FOR HEARING TODAY.

APPEAL NO. 98-210

(9)
TED GULLICKSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[20, 1998, to Gillian Ellenby,
[permit to Alter a Building
[(vertical addition to create
[four live/work units) at
[723-725 Tehama Street.
[APPLICATION NO. 9801230.
[FOR HEARING TODAY.

APPEAL NO. 98-217

(10)
COW HOLLOW NEIGHBORS IN ACTION,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[11, 1998, to Patricia Houden,
[permit to Alter a Building
[(remodel kitchen; add one bath-
[room and laundry; add mezzanine/
[loft at upper flat with stairs
[to roof access) at 2780 Filbert
[Street.
[APPLICATION NO. 9806759S.
[FOR HEARING TODAY.

(11) **Proposed Annual Department Budget for Fiscal Year 1999-2000**. For public hearing consideration and adoption.

Copies are available at Board office.

Date posted: February 11, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/ fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

F
30
3
17/99

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, FEBRUARY 17, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Patricia Wilson, substituting for Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.
MAR 05 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: The Executive Secretary reported to President McInerney that the University Club's request to be recalendared before June 9, 1999 is scheduled for March 3, 1999.

APPEAL NO. 98-046

GERARDO PINTO & MARIANNE RUDDY,
Appellants
(3) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of
[permit to Alter a Building
[(legalize flat on ground floor;
[add windows in kitchen and
[living room; add fan and light
[in bathroom; provide fire wall
[and door between garage and
[flat) at 1506-08 Alabama Street.
[APPLICATION NO. 9802518S.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-0 to **CONTINUE** th matter to **August 11, 1999** in hopes legislation will be passed to allo the additional unit.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Passmore, Zoning Administrator for the Plannin Department.

APPEAL NO. 98-035

(4)	VICTOR TWAL dba "BUDDIES", Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on February 13, 1998, [of permit to Alter a Building [(legalize 3' x 4' x 12'6" [awning and sign installed with- [out permit) at 498 Sanchez Street. [APPLICATION NO. 9723854. [FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **April 7, 1999.**

Commissioner Saunders arrived at 6:00 p.m.

APPEAL NO. 98-177

(5)	3175 - 17TH STREET LP, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on September 29, 1998 [of permit to Alter a Building [(convert vacant warehouse to [12 live/work units) at [3175 - 17th Street. [APPLICATION NO. 9803199S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vot 4-0 to **CONTINUE** the matter to **April 14, 1999** for additional documentatio

SPEAKERS: Robert Passmore, Zoning Administrator for Planning Department; Ad Sparks, appellant; William Dietsch, designer for appellant; Joseph Blu, Gloria Rogan, David Winner, Phillip Bossant, Jane Perry, Alexander Ron, Glenda Powell, Connie Weber, Paul Boschetti, in support of appellan; Brenda Way, Krissy Keefer, Lori Laqua, Andrew Wood, Michaela Cassid, John Kreidler, Josselito Obie, Lynn Feintech, Bartley Deamer, John Ki lacky, Alma Robinson, John Holden, Pam Hagen, Susan Donham, Judy Wes, Bradford Paul, Shamou, Lizz Roman, in support of the department; a Laurence Kornfield, Chief Building Inspector for the Department of Buil ing Inspection.

The Board recessed from 7:22 to 7:37 p.m.

APPEAL NO. 98-198

(6) ONSITE ADVERTISING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on October 29, 1998,
[of permit to Erect a Sign
[(replacement of non-electric,
[non-illuminated, single-faced
[painted wall sign with copy
[change) at 26 Seventh Street.
[APPLICATION NO. 9811342.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** at hearing by Joseph Bravo, attorney for appellant.

SPEAKER: Joseph Bravo, attorney for appellant.

Items (7A) and (7B) were heard together

APPEAL NO. 98-208

(7A) CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 2, 1998,
[of permit to Alter a Building
[(interior remodelling; enclose
[existing entry foyer; revision
[of rear facade; communicate
[openings with 1403 Montgomery
[Street) at 1405 Montgomery Street.
[APPLICATION NO. 9821647S.
[FOR HEARING TODAY.

APPEAL NO. 98-209

(7B) CHARLES & LUCINDA CROCKER, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 3, 1998,
[of permit to Alter a Building
[(interior remodelling; revision
[of existing facades; revision
[of existing roofline; communi-
[cate openings with 1405 Mont-
[gomery Street) at 1403 Montgomery
[Street.
[APPLICATION NO. 9821648S.
[FOR HEARING TODAY.

ACTION: Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin because he lives within 275 feet of the subject property. Then upon motion by President McInerney, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permits with findings to be prepared by the attorney for appellants.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; David Cincotta, attorney for appellants; Charles Crocker, appellant; Suzanne Bushnell, Patrick Kelly, Harry Hunt, Dana Kaufman, Sandra Lloyd, in support of appellants; Randy Shaw, Gerry Crowley, Judy Christianson, Howard Wong, Andy Katz, James Axwood, Nan Roth, Rebecca Graff, Dan Tudor, Mark Brinnell, Leo McLachlan, in support of department.

Commissioner Chin left the room at 8:04 p.m. and returned at 9:17 p.m. The Board recess from 9:05 to 9:18 p.m.

APPEAL NO. 98-163

(8)
EDITH McMILLAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August
[25, 1998, to Troung Sandy Lam,
[permit to Alter a Building
[(partial replacement of concrete
[slab; replacement of two floor
[joists; replacement of subfloor)
[at 641 - 28th Avenue.
[APPLICATION NO. 9515970.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vot 4-0 to **UPHOLD** the department with **CONDITIONS**.

SPEAKERS: Edith McMillan, appellant; Laurence Kornfield, Chief Building Inspect for the Department of Building Inspection; Judith Boyajian, Deputy Ci Attorney; Fong Tran, permit holder's daughter; John Becker and Hiros Fukuda, in support of appellant; and Davis Ko, architect for permit ho- der.

APPEAL NO. 98-210

(9)
TED GULLICKSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November
[20, 1998, to Gillian Ellenby,
[permit to Alter a Building
[(vertical addition to create
[four live/work units) at
[723-725 Tehama Street.
[APPLICATION NO. 9801230.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS**.

SPEAKERS: Sue Hestor, attorney for appellant; Robert Passmore, Zoning Administra for the Planning Department; Judith Boyajian, Deputy City Attorney; Mig Wooding, in support of appellant; Andrew Zacks, attorney for permit h- der; and Laurence Kornfield, Chief Building Inspector for the Departmen

APPEAL NO. 98-217

(10)
COW HOLLOW NEIGHBORS IN ACTION,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December
[11, 1998, to Patricia Houden,
[permit to Alter a Building
[(remodel kitchen; add one bath-
[room and laundry; add mezzanine/
[loft at upper flat with stairs
[to roof access) at 2780 Filbert
[Street.
[APPLICATION NO. 9806759S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit and to adopt the Planning staff analysis of the project under Planning Code Section 311 as its findings.

SPEAKERS: Patricia Vaughey, appellant; Jeffrey Wood, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; Patricia Houden, permit holder; and Ron Bogley, architect for permit holder.

(11) **Proposed Annual Department Budget for Fiscal Year 1999-2000.** For public hearing, consideration and adoption.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **ADOPT** the departmental budget.

SPEAKERS: None.

There being no further business, President McInerney adjourned the meeting at 11:10 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

SF
30
2
/3/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 3, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
MAR 0 1 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Chu Q. Fung, requesting that the Board take jurisdiction over Building Permit Application No. 9900513 issued to Fred Paulow to convert existing basement/entry into garage at 1155 Washington Street.

Date issued	January 8, 1999
Last day to appeal	January 25, 1999
Request for jurisdiction	February 10, 1999

ITEM B: Letter from Grace M. Frontin, requesting that the Board take jurisdiction over Building Permit Application No. 9718706 issued to Julie Lee to demolish a single family dwelling at 1642 - 44th Avenue.

Date issued	December 18, 1998
Last day to appeal	January 4, 1999
Request for jurisdiction	February 11, 1999

ITEM C: Letter from Lawrence Alioto, attorney for Lucinda Hampton, requesting that the Board take jurisdiction over Building Permit Application No. 9823286 issued to Evelyn and John Schiappacasse to remove walls to provide parking spaces and remove day care facility at 2334-2336 Francisco Street.

Date issued	November 12, 1998
Last day to appeal	November 30, 1998
Request for jurisdiction	February 19, 1999

REQUESTS FOR REHEARING:

ITEM D: Letter from Sue Hestor, attorney for Coalition for Jobs Arts and Housing, appellant, requesting rehearing of Appeal Nos. 98-149 (1099 - 23rd Street), 98-150 (1011 - 23rd Street) and 98-162 (1207 Indiana Street). Hearing February 3, 1999. Upon motion by Commissioner Cullum, the Board voted 3-0 (President McInerney recused) to **UPHOLD** the department and **GRANT** the permits with findings by the attorney for permit holder and with **CONDITIONS** relating to the Notice of Special Restrictions and an acknowledgment by buyers, and the addition of an elevator in each of the buildings.

ITEM E: Letter from Sue Hestor, attorney for Karin Wikstrom, appellant requestin rehearing of Appeal No. 98-219. Hearing February 3, 1999. Upon motion by Commissioner Cullum, the Board voted 3-0 (President McInerney recused) to **UPHOLD** the department and **GRANT** the permits with findings by the attorney for permit holder and wit **CONDITIONS** relating to the Notice of Special Restrictions and an acknowledgment b buyers, and the addition of an elevator in each of the buildings.

CORRESPONDENCE:

ITEM F: Letter from Timothy Tosta, attorney for variance holder University Clu in Appeal No. V98-204, Anne Clark Ronce, appellant, presently scheduled for furthe hearing on June 9, 1999, requesting matter be heard during March 1999.

ADOPTION OF FINDINGS:

ITEM G: Appeal Nos. 98-208 and 98-209. Denial on December 3, 1998 of permits t alter a building at 1403-1405 Montgomery Street. Hearing February 17, 1999. Upc motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin becaus he lives within 275 feet of the subject property. Then upon motion by Presider Cullum, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permits wi findings to be prepared by the attorney for appellants.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Boa will proceed to a vote without testimony to reduce the penalty (investigation fe to two times the regular fee as provided for in the Building Code. Without conse the Board will take testimony and then decide the appeal individually.

APPEAL NO. 99-010

(A)
JULIO GONZALEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 27, 1999, for work
[done at 642 Moscow Street.
[APPLICATION NO. 9613656.
[FOR HEARING TODAY.

APPEAL NO. 99-011

(B)
RICHARD GOLD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 2, 1999, for work
[done at 2468 Funston Avenue.
[APPLICATION NO. 9900338.
[FOR HEARING TODAY.

APPEAL NO. 99-013

(C)
ANNA KOO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 10, 1999,
[for work done at 39 Hazelwood
[Avenue.
[APPLICATION NO. 9902662.
[FOR HEARING TODAY.

APPEAL NO. 99-002

(5)
THOMAS SIMROCK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 5, 1999,
[of permit to Alter a Building
[(build additional two stories
[above existing basement floor)
[at 381 Douglass Street.
[APPLICATION NO. 9804634.
[FOR HEARING TODAY.

Items (6A), (6B) and (6C) shall be heard together

APPEAL NO. 98-055

TUDOR HILL TENANTS ASSN., Appellant
(6A) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March
[24, 1998, to George Hoffberg,
[permit to Alter a Building
[(split into two buildings; new
[fire walls and other code up-
[grades as required per meeting
[and letter dated Jan. 22, 1996)
[at 1111-1133 Green Street.
[APPLICATION NO. 9802162.
[FOR HEARING TODAY.

APPEAL NO. 98-056

TUDOR HILL TENANTS ASSN., Appellant
(6B) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March
[24, 1998, to George Hoffberg,
[permit to Alter a Building
[(split existing building on
[one lot into two buildings
[on two lots; new fire walls)
[at 1111-1133 Green Street.
[APPLICATION NO. 9802163.
[FOR HEARING TODAY.

APPEAL NO. 98-091

CATHERINE L. SCHLAFLY & ROBERT C.
(6C) COPELAND, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11,
[1998, to George Hoffberg, permit
[to Alter a Building (remove
[illegal unit) 1133 Green Street.
[APPLICATION NO. 9808434.
[FOR HEARING TODAY.

APPEAL NO. 99-003

LA SALSA HOLDING COMPANY, Appellant
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Health Permit Application Referral
[by the Planning Department dated
[December 24, 1998 addressed to
[Ron Brett requiring the applicant
[to seek Conditional Use Authori-
[zation for a large fast food
[restaurant from the Planning
[Commission to operate at 2401
[California Street in the Upper
[Fillmore Neighborhood Commercial
[District, with the referral to
[remain pending until the Commission
[approves the use.
[FOR HEARING TODAY.

Date posted: February 25, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 3, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.
MAR 15 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Robert Passmore reported on the sign at 611 Second Street.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Chu Q. Fung, requesting that the Board take jurisdiction over Building Permit Application No. 9900513 issued to Fred Pavlow to convert existing basement/entry into garage at 1155 Washington Street.

Date issued	January 8, 1999
Last day to appeal	January 25, 1999
Request for jurisdiction	February 10, 1999

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vote 3-1 (Commissioner Chin dissented) to **GRANT** jurisdiction and schedule it for **March 17, 1999** with Appeal No. 99-012.

SPEAKERS: Brett Gladstone, attorney for requestor; and Richard Jeung, agent fo permit holder.

ITEM B: Letter from Grace M. Frontin, requesting that the Board take jurisdicti over Building Permit Application No. 9718706 issued to Julie Lee to demolish a sing family dwelling at 1642 - 44th Avenue.

Date issued	December 18, 1998
Last day to appeal	January 4, 1999
Request for jurisdiction	February 11, 1999

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vot 3-1 (Commissioner Chin dissented) to **DENY** the request for jurisdiction.

SPEAKERS: Grace Frontin, requestor; and Julie Lee, permit holder.

ITEM C: Letter from Lawrence Alioto, attorney for Lucinda Hampton, requesting tht the Board take jurisdiction over Building Permit Application No. 9823286 issued o Evelyn and John Schiappacasse to remove walls to provide parking spaces and remoe day care facility at 2334-2336 Francisco Street.

Date issued	November 12, 1998
Last day to appeal	November 30, 1998
Request for jurisdiction	February 19, 1999

ACTION: After discussion, upon motion by Commissioner Cullum, the Board votd 4-0 to **GRANT** jurisdiction. Ms. Hampton has 15 days to file an appe. The Board asked Mr. Kornfield to visit site and report to Board on safet.

SPEAKERS: Lucinda Hampton, requestor; Dennis Hyde, attorney for permit holde; Laurence Kornfield, Chief Building Inspector for the Department of Bui-ing Inspection; and Robert Passmore, Zoning Administrator for the Planng Department.

REQUESTS FOR REHEARING:

ITEM D: Letter from Sue Hestor, attorney for Coalition for Jobs Arts and Housi, appellant, requesting rehearing of Appeal Nos. 98-149 (1099 - 23rd Street), 98-0 (1011 - 23rd Street) and 98-162 (1207 Indiana Street). Hearing February 3, 19. Upon motion by Commissioner Cullum, the Board voted 3-0 (President McInerney recus) to **UPHOLD** the department and **GRANT** the permits with findings by the attorney r permit holder and with **CONDITIONS** relating to the Notice of Special Restrictis and an acknowledgment by buyers, and the addition of an elevator in each of the bui-ings.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** President McInerney. Then after discussion, upon motion by Commissioner Cullum, the Board voted 3-0 to **DENY** the requests for rehearing.

SPEAKERS: Sue Hestor attorney for appellant; Alice Barkley, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

ITEM E: Letter from Sue Hestor, attorney for Karin Wikstrom, appellant requesting rehearing of Appeal No. 98-219, 2130 Harrison Street. Hearing February 3, 1999. Upon motion by Commissioner Cullum, the Board voted 3-0 (President McInerney recused) to **UPHOLD** the department and **GRANT** the permits with findings by the attorney for permit holder and with **CONDITIONS** relating to the Notice of Special Restrictions and an acknowledgment by buyers.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** President McInerney. Then after discussion, upon motion by Commissioner Cullum, the Board voted 3-0 to **DENY** the request for rehearing.

SPEAKERS: Sue Hestor attorney for appellant; Alice Barkely, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

President McInerney left the room at 6:48 p.m. and returned at 7:11 p.m. The Board recessed from 7:11 to 7:17 p.m.

CORRESPONDENCE:

ITEM F: Letter from Timothy Tosta, attorney for variance holder University Club in Appeal No. V98-204, Anne Clark Ronce, appellant, presently scheduled for further hearing on June 9, 1999, requesting matter be heard during March 1999.

ACTION: **RESCHEDULED** to **March 17, 1999** to correct language on calendar per advice of City Attorney.

ADOPTION OF FINDINGS:

ITEM G: Appeal Nos. 98-208 and 98-209. Denial on December 3, 1998 of permits to alter a building at 1403-1405 Montgomery Street. Hearing February 17, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin because he lives within 275 feet of the subject property. Then upon motion by President Cullum, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permits with findings to be prepared by the attorney for appellants.

ACTION: Upon motion by Commissioner Chin, the Board voted 4-0 to **RECUSE** Commissioner Chin. Then upon motion by Commissioner Saunders, the Board voted 3-0 to **ADOPT** findings.

Commissioner Chin left the room at 7:21 and returned at 7:22 p.m. after Item G vote.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Boa will proceed to a vote without testimony to reduce the penalty (investigation fe to two times the regular fee as provided for in the Building Code. Without conse the Board will take testimony and then decide the appeal individually.

APPEAL NO. 99-010

(A)
JULIO GONZALEZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[January 27, 1999, for work
[done at 642 Moscow Street.
[APPLICATION NO. 9613656.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 3-0 (Commissioner Sau ders absent) to **OVERRULE** the department with the **CONDITION** that the pe alty be reduced to two times the regular fee of $102.50 for a total f $205.00.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 99-011

(B)
RICHARD GOLD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on
[February 2, 1999, for work
[done at 2468 Funston Avenue.
[APPLICATION NO. 9900338.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vo d 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty e reduced to two times the regular fee of $85.15 for a total of $170.30.

SPEAKERS: Richard Gold, appellant; and Laurence Kornfield, Chief Building Inspec r for the Department of Building Inspection.

APPEAL NO. 99-013

(C)
ANNA KOO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 10, 1999,
[for work done at 39 Hazelwood
[Avenue.
[APPLICATION NO. 9902662.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted -0 to **OVERRULE** the department and reduce the penalty to two times the regu ar fee of $167.05 for a total of $334.10.

SPEAKERS: Anna Koo, appellant; and Laurence Kornfield, Chief Building Inspec or for the Department of Building Inspection.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MARCH 3, 1999 (cont'd.)

APPEAL NO. 99-002

(5)
THOMAS SIMROCK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on January 5, 1999,
[of permit to Alter a Building
[(build additional two stories
[above existing basement floor)
[at 381 Douglass Street.
[APPLICATION NO. 9804634.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit with **CONDITION** that the bay window at the rear cannot exceed 30 inches in depth.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Christopher Westergaurd, Kathleen Pratt, Sue Hestor, in support of department; Thomas Simrock, appellant; Alberto Orisini, architect for appellant; and Jeffrey Brown, in support of appellant.

Items (6A), (6B) and (6C) were heard together

APPEAL NO. 98-055

(6A)
TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March
[24, 1998, to George Hoffberg,
[permit to Alter a Building
[(split into two buildings; new
[fire walls and other code up-
[grades as required per meeting
[and letter dated Jan. 22, 1996)
[at 1111-1133 Green Street.
[APPLICATION NO. 9802162.
[FOR HEARING TODAY.

APPEAL NO. 98-056

(6B)
TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March
[24, 1998, to George Hoffberg,
[permit to Alter a Building
[(split existing building on
[one lot into two buildings
[on two lots; new fire walls)
[at 1111-1133 Green Street.
[APPLICATION NO. 9802163.
[FOR HEARING TODAY.

APPEAL NO. 98-091

(6C)
CATHERINE L. SCHLAFLY & ROBERT C.
COPELAND, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11,
[1998, to George Hoffberg, permit
[to Alter a Building (remove
[illegal unit) 1133 Green Street.
[APPLICATION NO. 9808434.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **June 30, 1999** at request of parties.

APPEAL NO. 99-003

(7)
LA SALSA HOLDING COMPANY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Health Permit Application Referra
[by the Planning Department dated
[December 24, 1998 addressed to
[Ron Brett requiring the applicant
[to seek Conditional Use Authori-
[zation for a large fast food
[restaurant from the Planning
[Commission to operate at 2401
[California Street in the Upper
[Fillmore Neighborhood Commercial
[District, with the referral to
[remain pending until the Commissi
[approves the use.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant.

There being no further business, President McInerney adjourned the meeting at 8:10 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Co t Reporter, (415) 362-4440.

SF
C30
#2
3/10/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 10, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Patricia Vaughey, appellant, requesting rehearing of Appeal No. 98-217, 2780 Filbert Street. Upon motion by Commissioner Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with findings.

ITEM B: Letter from Robert Passmore, Zoning Administrator for Planning Department, requesting rehearing of Appeal Nos. 98-208 and 98-209, 1403-1405 Montgomery Street. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin because he lives within 275 feet of the subject property. Then on by President McInerney, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permits with findings to be prepared by the attorney appellants.

APPEAL NO. 98-203

(4)
MESFIN HAILEMARIAM, Appellant
vs.
POLICE COMMISSION, Respondent

[Revocation on November 19,
[1998, of Taxicab Medallion
[No. 823.
[RESOLUTION NO. 92-98.
[FOR HEARING TODAY.

APPEAL NO. 99-007

(5)
STANLEY DINTCHO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on January 4, 1999
[of permit to remove and
[replace one tree at 2250
[Union Street.
[ORDER NO. 171,452.
[FOR HEARING TODAY.

APPEAL NO. 99-009

(6)
39 BOARDMAN PLACE HOMEOWNERS
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[13, 1999, to 336 Harriet Street
[Association LLC, permit to Erect
[a Building (three live/work units)
[at 336 Harriet Street.
[APPLICATION NO. 9812410S.
[FOR HEARING TODAY.

DOCUMENTS DEPT.
MAR 05 1999
SAN FRANCISCO
PUBLIC LIBRARY

APPEAL NO. 98-083

ROSEMARY MacGUINESS & PHILIP BELLBER,
Appellants
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Determinination by the Zoning
[Administrator dated April 24,
[1998 that Building Permit Appli-
[cation No. 9701443 to convert
[a residential building at 240-242
[Carl Street from three to four
[units, its former use, cannot
[be approved under Planning Code
[Section 183, since a non-conformi
[use cannot be reinstated once
[the building has been brought
[into compliance with the Planning
[Code. Here the fourth unit had
[been installed without a permit
[originally and the property is
[zoned RH-3.
[FOR HEARING TODAY.

APPEAL NO. 99-001

TEJAS-CAROLINA HOLDINGS, INC. dba
"THE LONE STAR SALOON", Appellant
(8) vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated December
[23, 1999 that the appellant's
[application for a Police Place
[of Entertainment Permit for 1354
[Harrison Street is disapproved
[since Nighttime Entertainment
[is not a permitted use in the
[SLR (Service/Light Industrial/
[Residential) Mixed Use District
[under Planning Code Section 816.3
[FOR HEARING TODAY.

APPEAL NO. 99-008

THE NOB HILL HOTEL, Appellant
(9) vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admir
[istrator dated January 5, 1999
[addressed to Rudy Colombini/Nob
[Hill Event Center/Avalon Ballroom
[that the application for Police
[permit for Dance Hall Keeper/Plac
[of Entertainment at 815-827 Hyde
[Street cannot be approved because
[the use has been abandoned and
[new permits require Conditional
[Use Authorization by the Planning
[Commission since the site is in
[an RC-4 district and the nearest
[NC district requires CU approval.
[FOR HEARING TODAY.

Date posted: March 4, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

DOCUMENTS DEPT.
MAR 26 1999
SAN FRANCISCO
PUBLIC LIBRARY

30
3
/10/99

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 10, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Patricia Vaughey asked for a moment of silence in memory of Marvin Warren.

Laurence Kornfield reported on his site visit to 2334-6 Francisco Street.

Robert Passmore reported on the zoning regulations regarding child care.

Officer Farrell Suslow reported on the status of the issuance of taxicab medallions ordered by the Board.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President McInerney thanked staff and Patricia Vaughey.

individuals with severe allergies, environmental illness, multiple chemical

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Patricia Vaughey, appellant, requesting rehearing of Appeal No. 98-217, 2780 Filbert Street. Upon motion by Commissioner Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with findings.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: Patricia Vaughey, appellant; and Ron Bogley, architect for permit holder.

ITEM B: Letter from Robert Passmore, Zoning Administrator for Planning Department requesting rehearing of Appeal Nos. 98-208 and 98-209, 1403-1405 Montgomery Street Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin because he lives within 275 feet of the subject property. Then on by President McInerney, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permits with findings to be prepared by the attorney appellants.

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-0 (Commissioner Chin recused) to **CONTINUE** the matter to **March 17, 1999** so that four votes will be possible.

SPEAKER: David Cincotta, attorney for appellants.

APPEAL NO. 98-203

(4)
MESFIN HAILEMARIAM, Appellant
vs.
POLICE COMMISSION, Respondent

[Revocation on November 19,
[1998, of Taxicab Medallion
[No. 823.
[RESOLUTION NO. 92-98.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 2-to (Commissioners Cullum and Saunders dissented) to **UPHOLD** the departmen and **REVOKE** the taxicab medallion.

SPEAKERS: Margaret Baumgartner, Deputy City Attorney; Sergeant Simpson, Taxi Detail S.F.P.D.; John Stringer, attorney for appellant; and Rob Jacobson, in support of department.

APPEAL NO. 99-007

(5)
STANLEY DINTCHO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on January 4, 1999
[of permit to remove and
[replace one tree at 2250
[Union Street.
[ORDER NO. 171,452.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: John Fournet, Department of Public Works; Stanley Dintcho, appellant; and Joe O'Donoghue, in support of appellant.

The Board recessed from 7:10 to 7:25 p.m.

APPEAL NO. 99-009

39 BOARDMAN PLACE HOMEOWNERS
ASSOCIATION, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[13, 1999, to 336 Harriet Street
[Association LLC, permit to Erect
[a Building (three live/work units)
[at 336 Harriet Street.
[APPLICATION NO. 9812410S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-0 to **RECUSE** President McInerney. Then upon motion by President Cullum, the Board voted 3-0 to **CONTINUE** the matter to **March 17, 1999** as the first item on the calendar.

SPEAKERS: Alice Barkley, attorney for permit holder; and Brad Wright, appellant.

APPEAL NO. 98-083

ROSEMARY MacGUINESS & PHILIP BELLBER,
Appellants
(7) vs.
ZONING ADMINISTRATOR, Respondent

[Determinination by the Zoning
[Administrator dated April 24,
[1998 that Building Permit Appli-
[cation No. 9701443 to convert
[a residential building at 240-242
[Carl Street from three to four
[units, its former use, cannot
[be approved under Planning Code
[Section 183, since a non-conforming
[use cannot be reinstated once
[the building has been brought
[into compliance with the Planning
[Code. Here the fourth unit had
[been installed without a permit
[originally and the property is
[zoned RH-3.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to **CONTINUE** the matter to **April 21, 1999**.

SPEAKER: Jeremy Paul, agent for appellants.

APPEAL NO. 99-001

(8)
TEJAS-CAROLINA HOLDINGS, INC. dba
"THE LONE STAR SALOON", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated December
[23, 1999 that the appellant's
[application for a Police Place
[of Entertainment Permit for 1354
[Harrison Street is disapproved
[since Nighttime Entertainment
[is not a permitted use in the
[SLR (Service/Light Industrial/
[Residential) Mixed Use District
[under Planning Code Section 816.37.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with findings and **CONDITIONS**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Jeffrey Gibson, attorney for appellant; and Joe O'Donoghue, in support of appellant.

APPEAL NO. 99-008

(9)
THE NOB HILL HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated January 5, 1999
[addressed to Rudy Colombini/Nob
[Hill Event Center/Avalon Ballroom
[that the application for Police
[permit for Dance Hall Keeper/Place
[of Entertainment at 815-827 Hyde
[Street cannot be approved because
[the use has been abandoned and
[new permits require Conditional
[Use Authorization by the Planning
[Commission since the site is in
[an RC-4 district and the nearest
[NC district requires CU approval.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **April 21, 1999** at request of appellant prior to hearing.

There being no further business, Vice President Chin adjourned the meeting at 8:05 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

F
30
2
1/17/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 17, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
MAR 15 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE**:

REQUEST FOR REHEARING:

ITEM A: Letter from Robert Passmore, Zoning Administrator for Planning Department, requesting rehearing of Appeal Nos. 98-208 and 98-209, 1403-1405 Montgomery Street. Hearing February 17, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin because he lives within 275 feet of the subject property. Then on by Commissioner Cullum, the Board voted 3-0 to **OVERRULE** the department and **GRANT** the permits. Findings prepared by the attorney for appellants were adopted by the Board on March 3, 1999.

CORRESPONDENCE:

ITEM B: Letter from Timothy Tosta, attorney for variance holder University Club in Appeal No. V98-204, Anne Clark Ronce, appellant, presently scheduled for further hearing on June 9, 1999, requesting matter be heard during March 1999. The Board may decide to reschedule the further hearing from June 9, 1999 to March 24, 1999 or another date. Three votes are necessary for a scheduling decision of the Board of Appeals.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Grace M. Frontin, requesting that the Board take jurisdiction over Building Permit Application No. 9718705S issued to Julie Lee to erect a three story single family dwelling at 1642 - 44th Avenue. On March 3, 1999 the Board denied a request for jurisdiction over a demolition permit for this site.

Date issued	December 18, 1998
Last day to appeal	January 4, 1999
Request for jurisdiction	March 4, 1999

APPEAL NO. 99-009

(4)
39 BOARDMAN PLACE HOMEOWNERS
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[13, 1999, to 336 Harriet Street
[Association LLC, permit to Erect
[a Building (three live/work units)
[at 336 Harriet Street.
[APPLICATION NO. 9812410S.
[FOR HEARING TODAY.

APPEAL NO. V99-014

(5)
MAGDALENA R. BLACKMER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on February
[3, 1999, to Susan Alexander,
[Rear Yard Variance (replace the
[existing first, second and third
[floor decks, at rear of an exist-
[ing two-story over garage, two-
[family dwelling) for property
[at 345-347 Hill Street.
[VARIANCE CASE NO. 98.314V.
[FOR HEARING TODAY.

APPEAL NO. 98-202

(6)
HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3,
[1998, of Street Artist Cer-
[tification for framed compo-
[sitions of butterflies and
[insects.
[FOR HEARING TODAY.

APPEAL NO. 98-087

(7)
THE S.F. TREE COUNCIL AND NORTH-
POINT RESIDENTS & NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR FURTHER HEARING TODAY.

Items (8A) and (8B) shall be heard together

APPEAL NO. 98-136

(8A)
ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of
[permit to Demolish a Build-
[ing at 407 Connecticut Street.
[APPLICATION NO. 9715365.
[FOR HEARING TODAY.

APPEAL NO. 98-137

(8B)
ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of
[permit to Erect a Building
[(two dwelling units) at
[407 Connecticut Street.
[APPLICATION NO. 9715364.
[FOR HEARING TODAY.

Items (9A) and (9B) shall be heard together

APPEAL NO. 99-012

(9A)
CHU FUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance January 28,
[1999, to Fred Pavlow, permit to
[Alter a Building (move garage
[and lobby doors) at 1155 Wash-
[ington Street.
[APPLICATION NO. 9901743.
[FOR HEARING TODAY.

APPEAL NO. 99-024

9B) CHU FUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[8, 1999, Fred Pavlow, permit to
[Alter a Building (turn existing
[basement/entry into garage) at
[1155 Washington Street.
[APPLICATION NO. 9900513.
[FOR HEARING TODAY.

APPEAL NO. 99-015

10) JULIET D. VALERIO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[29, 1999, to Greg Howe, permit
[to Alter a Building (rear
[extension of existing building;
[new ADA toilets; renovation of
[existing second floor; new deck;
[new sheetrock, plumbing and electrical) at 3299 Mission Street.
[APPLICATION NO. 9823628.
[FOR HEARING TODAY.

ate posted: March 11, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and nine copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

DOCUMENTS DEPT.
MAR 3 1 1999
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 17, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

7/99

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President McInerney welcomed Commissioner El Qadah to the Board.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Robert Passmore, Zoning Administrator for Planning Department, requesting rehearing of Appeal Nos. 98-208 and 98-209, 1403-1405 Montgomery Street. Hearing February 17, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin because he lives within 275 feet of the subject property. Then on by Commissioner Cullum, the Board voted 3-0 to **OVERRULE** the department and

individuals with severe allergies, environmental illness, multiple chemical

GRANT the permits. Findings prepared by the attorney for appellants were adopted by the Board on March 3, 1999.

ACTION: Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Commissioner Chin. After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; David Cincotta, attorney for appellants; and Judith Boyajian, Deputy City Attorney.

Commissioner Chin left the room at 6:55 and returned at 7:05 p.m. after Item A was finished.

CORRESPONDENCE:

ITEM B: Letter from Timothy Tosta, attorney for variance holder University Club in Appeal No. V98-204, Anne Clark Ronce, appellant, presently scheduled for further hearing on June 9, 1999, requesting matter be heard during March 1999. The Board may decide to reschedule the further hearing from June 9, 1999 to March 24, 1999 or another date. Three votes are necessary for a scheduling decision of the Board of Appeals.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **RESCHEDULE** the matter to **March 24, 1999.**

SPEAKERS: Timothy Tosta, attorney for variance holder; and Anne Clark Ronce, appellant.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Grace M. Frontin, requesting that the Board take jurisdiction over Building Permit Application No. 9718705S issued to Julie Lee to erect a three story single family dwelling at 1642 - 44th Avenue. On March 3, 1999 the Board denied a request for jurisdiction over a demolition permit for this site.

Date issued	December 18, 1998
Last day to appeal	January 4, 1999
Request for jurisdiction	March 4, 1999

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKERS: Grace Frontin, requestor; and Julie Lee, permit holder.

APPEAL NO. 99-009

(4)
39 BOARDMAN PLACE HOMEOWNERS
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[13, 1999, to 336 Harriet Street
[Association LLC, permit to Erect
[a Building (three live/work units)
[at 336 Harriet Street.
[APPLICATION NO. 9812410S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** President McInerney. After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with findings from the Planning Commission.

SPEAKERS; Mary Margaret Jones, appellant; Robert Passmore, Zoning Administrator; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Alice Barkley, attorney for permit holder; Joe O'Donoghue, in support of permit holder; David Muchow, in support of permit holder; and Toby Levy, architect for permit holder.

President McInerney left the room at 6:08 and returned after Item 4 at 6:55 p.m. The Board recessed from 6:48 to 6:55 p.m.

APPEAL NO. V99-014

(5)
MAGDALENA R. BLACKMER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on February
[3, 1999, to Susan Alexander,
[Rear Yard Variance (replace the
[existing first, second and third
[floor decks, at rear of an exist-
[ing two-story over garage, two-
[family dwelling) for property
[at 345-347 Hill Street.
[VARIANCE CASE NO. 98.314V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with findings by the Zoning Administrator.

SPEAKERS: Magdalena Blackmer, appellant; Robert Passmore, Zoning Administrator, and Susan Alexander, variance holder.

APPEAL NO. 98-202

(6)
HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3,
[1998, of Street Artist Cer-
[tification for framed compo-
[sitions of butterflies and
[insects.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-2 (Commissioners Chin and El Qadah dissented) to overrule the department and grant the permit. Four votes are needed and the motion fails. The disapproval is **UPHELD.**

SPEAKERS: Howard Lazar and Denise Roth, Art Commission; Harold Brennan, appellant; Walter Rosenthal, in support of appellant; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 98-087

(7) THE S.F. TREE COUNCIL AND NORTH-POINT RESIDENTS & NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on May 1,
[1998, to Northpoint Land LLC,
[permit to Remove and Replace
[four trees on the Bay Street
[frontage of 2211 Stockton and
[2310 Powell Streets.
[ORDER NO. 171,009.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 1-4 (President McInerney, Commissioners Cullum, El Qadah, Saunders dissented) to overrule the department. Four votes are needed and the motion failed. Then upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that 48" boxes be used for the two ficus replacement trees. Trees No.7 and 14 to be replaced.

SPEAKERS: Arthur Chang, Ted Kipping and Carolyn Blair, appellants; John Fournet, Department of Public Works; Roy Leggett, arborist for permit holder; and Robin Ziegler, permit holder.

The Board recessed from 8:55 to 9:11 p.m.

Items (8A) and (8B) were heard together

APPEAL NO. 98-136

(8A) ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of
[permit to Demolish a Building at 407 Connecticut Street.
[APPLICATION NO. 9715365.
[FOR HEARING TODAY.

APPEAL NO. 98-137

(8B) ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of
[permit to Erect a Building
[(two dwelling units) at
[407 Connecticut Street.
[APPLICATION NO. 9715364.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vote 5-0 to **CONTINUE** the matter to **June 16, 1999** for revised plans.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Andre Zacks and Denise Leadbetter, attorneys for appellants; Drake Gardner, designer for appellants; Felipe Fossier, Elizabeth Boileau, Jude Deckenbach, Paul Minton, Richard Millett, Suzanne Demott, Peter Walbridge, Steve Hettenbach, John Lewis, Karen Hoover, Jean Neblett, Miriam Lewis, Douglas Mandell, Dana Mandell, Allan Cham, Walter Chang, Lori Christenson, Bruce Snyder, Paul Burt, Anna Stern, Carlo Vien, Art Agnos, in support of department; Joanne Minsky, Jack Mayda, Linda Kaytron, Tim Ricey, Sheila Miller, in support of appellants; Lorraine Thompson, appellant; and Laurence Kornfield, Chief Building Inspector.

Commissioner Saunders left the meeting at 11:15 p.m. for emergency at home.

Items (9A) and (9B) were heard together

APPEAL NO. 99-012

(9A)
CHU FUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance January 28,
[1999, to Fred Pavlow, permit to
[Alter a Building (move garage
[and lobby doors) at 1155 Wash-
[ington Street.
[APPLICATION NO. 9901743.
[FOR HEARING TODAY.

APPEAL NO. 99-024

(9B)
CHU FUNG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[8, 1999, Fred Pavlow, permit to
[Alter a Building (turn existing
[basement/entry into garage) at
[1155 Washington Street.
[APPLICATION NO. 9900513.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: Brett Gladstone, attorney for appellant; Laurence Kornfield, Chief Building for the Department of Building Inspection; Edward Poole, attorney for permit holder; and Ethel Lye, Dora Lye, Denise Fong Lee, in support of permit holder.

APPEAL NO. 99-015

(10)
JULIET D. VALERIO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January
[29, 1999, to Greg Howe, permit
[to Alter a Building (rear
[extension of existing building;
[new ADA toilets; renovation of
[existing second floor; new deck;
[new sheetrock, plumbing and elec-
[trical) at 3299 Mission Street.
[APPLICATION NO. 9823628.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MARCH 17, 1999 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Juliet Valerio, appellant; Peter Jones, in support of appellant; Laurenc Kornfield, Chief Building Inspector for the Department of Building Inspection; Greg Howe, permit holder; Natalie Sanchez, Robert Passmore, Zonin Administrator for the Planning Department.

There being no further business, President McInerney adjourned the meeting at 12:05 a.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Cour Reporter, (415) 362-4440.

30
2
'24/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

(Agenda)

WEDNESDAY, MARCH 24, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from James L. Lazarus, attorney for Mr. and Mrs. Russell Garvin, requesting that the Board take jurisdiction over Building Permit Application No. 9901794S issued to Steven Worthington and Dorthy Pautz for new curb cut without replacing paving in right-of-way; new 4'-6" high metal fence; new gate and concrete curb wall.

Date issued	February 12, 1999
Last day to appeal	March 1, 1999
Request for jurisdiction	March 9, 1999

REQUEST FOR REHEARING:

ITEM B: Letter from John E. Stringer, attorney for Mesfin Hailemariam, appellant, requesting rehearing of Appeal No. 98-203. Hearing March 10, 1999. Upon motion by Commissioner Chin, the Board voted 2-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** the department and **REVOKE** Taxicab Medallion No. 823.

APPEAL NO. V98-204

(4) ANNE CLARK RONCE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Off-Street Parking
[Variance (to provide off-street
[parking spaces required by
[Planning Code Section 151 and
[March 26, 1998 Zoning Admin-
[istrator determination within
[800 feet walking distance of
[105 Miles Street on a month-to
[month basis, instead of the
[90-year lease terms stipulated
[in Planning Code Sections 195(c)
[and (e) and July 1996 Interpre-
[tations of the Planning Code)
[granted to the University Club
[at 105 Miles Street.
[VARIANCE CASE NO. 97.358V.
[FOR FURTHER HEARING TODAY.

DOCUMENTS DEPT.
MAR 22 1999
SAN FRANCISCO
PUBLIC LIBRARY

APPEAL NO. 98-214

ELIZABETH ZITRIN, Appellant
(5) vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on December 9, 1998,
[of permit to Alter a Building
[(second floor addition; enlarge
[garage and main floor of exist-
[ing building) at 3590 Folsom
[Street.
[APPLICATION NO. 9720276.
[FOR HEARING TODAY.

APPEAL NO. 99-017

MARIA CORAZON S. SOLEDAD, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[3, 1999, to Robert Fallon, permit
[to Demolish a Building (single
[family dwelling) at 146 Blake
[Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

Date posted: March 18, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

DOCUMENTS DEPT.
MAR 3 1 1999
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES OF THE
REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, MARCH 24, 1999
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, Official Court Reporter.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President McInerney request that more items be calendared per hearing to reduce the case backlog and to observe the Code requirement to set hearings within 45 days of filing.

(3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from James L. Lazarus, attorney for Mr. and Mrs. Russell Garvin, requesting that the Board take jurisdiction over Building Permit Application No. 9901794S issued to Steven Worthington and Dorthy Pautz for new curb cut without replacing paving in right-of-way; new 4'-6" high metal fence; new gate and concrete curb wall at 237 Grattan Street.

Date issued	February 12, 1999
Last day to appeal	March 1, 1999
Request for jurisdiction	March 9, 1999

ACTION: After discussion, upon motion by Commissioner Cullum, the Board vote 5-0 to **GRANT** the request for jurisdiction. Mr. and Mrs. Garvin hav fifteen days to file an appeal. President McInerney asked that the hearing be set as soon as possible.

SPEAKERS: James Lazarus, attorney for requestors; Steven Worthington, permit holder Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Carol Brandi, in support of requestors.

REQUEST FOR REHEARING:

ITEM B: Letter from John E. Stringer, attorney for Mesfin Hailemariam, appellant requesting rehearing of Appeal No. 98-203. Hearing March 10, 1999. Upon motic by Commissioner Chin, the Board voted 2-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** the department and **REVOKE** Taxicab Medallion No. 823.

ACTION: After discussion, upon motion by Vice President Chin, the Board vote 3-2 (Commissioners El Qadah and Saunders dissented) to **DENY** the reques for rehearing.

SPEAKERS: John Stringer, attorney for appellant; Margaret Baumgartner, Deputy Ci Attorney; and Judith Boyajian, Deputy City Attorney.

APPEAL NO. V98-204

(4)
ANNE CLARKE RONCE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Off-Street Parking
[Variance (to provide off-street
[parking spaces required by
[Planning Code Section 151 and
[March 26, 1998 Zoning Admin-
[istrator determination within
[800 feet walking distance of
[105 Miles Street on a month-to
[month basis, instead of the
[90-year lease terms stipulated
[in Planning Code Sections 195(c)
[and (e) and July 1996 Interpre-
[tations of the Planning Code)
[granted to the University Club
[at 105 Miles Street.
[VARIANCE CASE NO. 97.358V.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board vot 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance with findings as set forth in the variance decision.

SPEAKERS: Anne Clarke Ronce, appellant; and Timothy Tosta, attorney for varian holder.

APPEAL NO. 98-214

(5) ELIZABETH ZITRIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Denial on December 9, 1998,
[of permit to Alter a Building
[(second floor addition; enlarge
[garage and main floor of existing
[ing building) at 3590 Folsom
[Street.
[APPLICATION NO. 9720276.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

APPEAL NO. 99-017

(6) MARIA CORAZON S. SOLEDAD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[3, 1999, to Robert Fallon, permit
[to Demolish a Building (single
[family dwelling) at 146 Blake
[Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** prior to hearing to **May 12, 1999** at request of permit holder with agreement of appellant.

There being no further business, President McInerney adjourned the meeting at 6:16 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

30
2
14/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 14, 1999

5:30 P.M.,CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
APR 12 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION:** Letter from Robert Student, requesting that the Board take jurisdiction over Building Permit Application No. 9810247 issued to Betty Coleman to combine two units into one and remove kitchen under stairs at 1121-25 Kansas Street.

Date issued	June 26, 1998
Last day to appeal	July 13, 1998
Request for jurisdiction	March 19, 1999

CONSENT ITEMS: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 99-018

(A)
STEPHEN KISSANE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on February 23, 1999,
[for work done at 228 Downey St.
[APPLICATION NO. 9902435.
[FOR HEARING TODAY.

APPEAL NO. 99-019

(B)
ALICE KONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on
[February 19, 1999, for work
[done at 1018 Sunnydale Avenue.
[APPLICATION NO. 9825506.
[FOR HEARING TODAY.

APPEAL NO. 99-020

(C)
ROBERTO B. GONZALEZ, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 23, 1999,
[for work done at 2345-49 Bryant
[Street.
[APPLICATION NO. 9901057.
[FOR HEARING TODAY.

APPEAL NO. 99-021

(D)
HUE & CRY SECURITY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on February 23, 1999,
[for work done at 450 Irwin Street.
[ELECTRICAL PERMIT NO. E191407.
[FOR HEARING TODAY.

APPEAL NO. 96-023

(5)
MIRIAM MALDONADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 29, 1996,
[of permit to Alter a Building
[(legalize existing in-law apartment;
[install new kitchen cabinets
[and new bathroom fixtures; repair
[walls and ceiling by placing new
[overlay of ½" gypsum board)
[at 60 Vienna Street.
[APPLICATION NO. 9514150S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-177

(6)
3175 - 17TH STREET LP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

RESCHEDULED TO 4/21/99

[Denial on September 29, 1998
[of permit to Alter a Building
[(convert vacant warehouse to
[12 live/work units) at
[3175 - 17th Street.
[APPLICATION NO. 9803199S.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-035

(7)
VICTOR TWAL dba "BUDDIES", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998, of
[permit to Alter a Building (legalize
[3' x 4' x 12'6" awning and sign
[installed without permit) at
[498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

APPEAL NO. 99-005

(8)
PETER AND TERRI SKOV, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to Mr.
[and Mrs. Peter Skov dated December
[30, 1998 by the Zoning Administra-
[tor requesting that the side yard of
[the building at 527-531 Broderick
[Street be reopened to the residents
[for the front dwelling unit in order
[to abate violation of Planning Code
[Section 135 requiring usable open
[space for dwellings in RM-1 zoning
[districts.
[FOR HEARING TODAY.

Date posted: April 8, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notice of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American sign language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-4851.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

0

4/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 14, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
MAY 0 5 1999
SAN FRANCISCO
PUBLIC LIBRARY

SPEAKERS: None.

(2) **COMMISIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Vice President Chin asked Laurence Kornfield, Chief Building Inspector to report on changes to the Building Code requested by President McInerney.

Laurence Kornfield explained the Code changes.

(3) **MATTERS FOR CONSIDERATION FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: Letter from Robert Student, requesting that the Board take jurisdiction over Building Permit Application No.9810247 issued to Betty Coleman to combine two units into one and remove kitchen under stairs at 1121-25 Kansas Street.

individuals with severe allergies, environmental illness, multiple chemical

Date issued	June 26, 1998
Last day to appeal	July 13, 1998
Request for jurisdiction	March 19, 1999

ACTION: **WITHDRAWN** prior to hearing by appellant.

REQUEST FOR REHEARING:

ITEM B: Letter from Harold F. Brennan, appellant, requesting rehearing of Appeal No. 98-20 disapproval of Street Artist Certification for framed compositions of butterflies and insects. Hearir March 17, 1999. Upon motion by Commissioner Cullum, the Board voted 3-2 (Commissioners Chin ar El Qadah dissented) to overrule the department and grant the permit. Four votes are needed and tl motion failed. The disapproval was **UPHELD**.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **GRAN** the rehearing and scheduled it for **June 30, 1999**.

SPEAKER: Harold Brennan, appellant.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee provided for in the Building Code. Without consent the Board will take testimony and then decide t appeal individually.

APPEAL NO. 99-018

(A)
STEPHEN KISSANE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on February 23, 1999,
[for work done at 228 Downey St.
[APPLICATION NO. 9902435.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 **OVERRULE** the department with the **CONDITION** that the penalty be reduced to t times the regular fee of $85.15 for a total of $170.30.

SPEAKERS: Stephen Kissane, appellant; and Laurence Kornfield, Chief Building Inspec r for the Department of Building Inspection.

APPEAL NO. 99-019

(B)
ALICE KONG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on
[February 19, 1999, for work
[done at 1018 Sunnydale Avenue.
[APPLICATION NO. 9825506.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Saunders, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to three times the regular fee of $183.30 for a total of $549.90.

SPEAKERS: Alice Kong, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 99-020

(C)
ROBERTO B. GONZALEZ, JR., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on February 23, 1999,
[for work done at 2345-49 Bryant
[Street.
[APPLICATION NO. 9901057.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Don Angulo, agent for appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 99-021

(D)
HUE & CRY SECURITY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty
[imposed on February 23, 1999,
[for work done at 450 Irwin Street.
[ELECTRICAL PERMIT NO. E191407.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $237.17 for a total of $474.34.

SPEAKERS: Gary Lowndes, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 96-023

(5)
MIRIAM MALDONADO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 29, 1996,
[of permit to Alter a Building
[(legalize existing in-law apartment;
[install new kitchen cabinets
[and new bathroom fixtures; repair
[walls and ceiling by placing new
[overlay of ½" gypsum board)
[at 60 Vienna Street.
[APPLICATION NO. 9514150S.
[FOR FURTHER HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant.

APPEAL NO. 98-177

(6)

3175 - 17TH STREET LP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on September 29, 1998
[of permit to Alter a Building
[(convert vacant warehouse to
[12 live/work units) at
[3175 - 17th Street.
[APPLICATION NO. 9803199S.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **April 21, 1999** prior to hearing.

APPEAL NO. 98-035

(7)

VICTOR TWAL dba "BUDDIES", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998, of
[permit to Alter a Building (legalize
[3' x 4' x 12'6" awning and sign
[installed without permit) at
[498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **June 9, 1999** prior to hearing.

APPEAL NO. 99-005

(8)

PETER AND TERRI SKOV, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination addressed to Mr.
[and Mrs. Peter Skov dated December
[30, 1998 by the Zoning Administra-
[tor requesting that the side yard of
[the building at 527-531 Broderick
[Street be reopened to the residents
[for the front dwelling unit in order
[to abate violation of Planning Code
[Section 135 requiring usable open
[space for dwellings in RM-1 zoning
[districts.
[FOR HEARING TODAY.

ACTION: After testimony and discussion, upon motion by Vice President Chin, the Board voted to **CONTINUE** the appeal to **May 19, 1999**. The public hearing was closed.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 14, 1999 (cont'd.)

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Larry Sussman, attorney for property owners; Terri Skov, property owner; and Joseph Sacramento, attorney for Louanne Daly; Louanne Daly, John Rothfield, Elizabeth Raby, John Engel, Al Michael Smith, Marie Kurpan, in support of Zoning Administrator.

There being no further business, President McInerney adjourned the meeting at 7:20 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

30
2
/21/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 21, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
APR 16 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: Letter from Susan Moses, requesting that the Board take jurisdiction over Building Permit Application No. 9725437S issued to Gregory J. Livy to erect a single family dwelling at 729 DeHaro Street.

Date issued	December 23, 1998
Last day to appeal	January 7, 1999
Request for jurisdiction	April 1, 1999

REQUEST FOR REHEARING:

ITEM B: Letter from Anne Clarke Ronce, appellant, requesting rehearing of Appeal No. V98-204, 105 Miles Street (University Club). Hearing March 24, 1999. Upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD the** Zoning Administrator and **GRANT** the variance with findings as set forth in the variance decision.

APPEAL NO. 99-023

(4)
ERNESTINA PEREZ CHAVEZ, dba
"CASI GRATIS", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on February 18, 1999,
[Second Hand Dealer appli-
[cation at 3532½ - 20th Street.
[FOR HEARING TODAY.

APPEAL NO. 98-171

(5)
3175 - 17TH STREET LP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on September 29, 1998
[of permit to Alter a Building
[(convert vacant warehouse to
[12 live/work units) at
[3175 - 17th Street.
[APPLICATION NO. 9803199S.
[FOR FURTHER CONSIDERA-
[TION TODAY.
[A PUBLIC HEARING WAS HELD
[AND CLOSED FEBRUARY 17,
[1999.

APPEAL NO. 99-021

G. ROBERT MUEHLHAUSER, Appellant
(6) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 9, 1999, of
[permit to Alter a Building (install
[new skylights on existing
[conservatory glass enclosures
[to eliminate continuing main-
[tenance leakage problems)
[at 1940 Broadway St.
[FOR HEARING TODAY.

APPEAL NO. 99-025

ZELKO SIMONI, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[19, 1999, to Ciaran Harty, permit
[to Erect a Building (four condo-
[miniums on three stories) at
[20 Elizabeth Street.
[APPLICATION NO. 9825648S.
[FOR HEARING TODAY.

APPEAL NO. 99-026

1628-30-32 PAGE STREET T.I.C.,
Appellant
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[23, 1999, to Steve Oliva, permit
[to Alter a Building (remodel
[kitchen; extend kitchen under
[existing second floor; repair
[deck; replace stairs from second
[floor to ground) at 459 Ashbury
[Street.
[APPLICATION NO. 9800922S.
[FOR HEARING TODAY.

APPEAL NO. 98-083

ROSEMARY MacGUINESS & PHILIP BELLBER,
Appellants
(9) vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated April 24,
[1998 that Building Permit Appli-
[cation No. 9701443 to convert
[a residential building at 240-242
[Carl Street from three to four
[units, its former use, cannot
[be approved under Planning Code
[Section 183, since a non-conforming
[use cannot be reinstated once
[the building has been brought
[into compliance with the Planning
[Code. Here the fourth unit had
[been installed without a permit
[originally and the property is
[zoned RH-3.
[FOR HEARING TODAY.

Date posted: April 15, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marke Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Pol Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people an that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Tas Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individual and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

F
30
3
/21/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 21, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Bart Deamer, Denise Leadbetter, Kurt Graffy, Debra Walker, Brian Fisher, Shannon Mitchell, Brad Paul, and William Dietsch, architect for appellant, spoke on Item 5 (closed hearing).

(2) **COMMISIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

DOCUMENTS DEPT.
MAY 05 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **MATTERS FOR CONSIDERATION FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: Letter from Susan Moses, requesting that the Board take jurisdiction over Building Permit Application No. 9725437S issued to Gregory J. Livy to erect a single family dwelling at 729 DeHaro Street.

Date issued	December 23, 1998
Last day to appeal	January 7, 1999
Request for jurisdiction	April 1, 1999

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **RECUSE** Preside McInerney, who left the dais. Then after discussion, upon motion by Commission Cullum, the Board voted 4-0 to **DENY** the request for jurisdiction.

SPEAKERS: Stephen Williams, attorney for requestor; and Laurence Kornfield, Chief Buildir Inspector for the Department of Building Inspection.

President McInerney left the dais at 5:56 and returned at 6:09 p.m. after Item A was concluded.

REQUEST FOR REHEARING:

ITEM B: Letter from Anne Clarke Ronce, appellant, requesting rehearing of Appeal No. V98-204, 1 Miles Street (University Club). Hearing March 24, 1999. Upon motion by Vice President Chin, the Boa voted 5-0 to **UPHOLD the** Zoning Administrator and **GRANT** the variance with findings as set forth in t variance decision.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **DEN** the request for rehearing.

SPEAKERS: Stephen Williams, attorney for appellant; Timothy Tosta, attorney for variance hold Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 99-023

(4)
ERNESTINA PEREZ CHAVEZ, dba
"CASI GRATIS", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on February 18, 1999,
[Second Hand Dealer appli-
[cation at 3532½ - 20th Street.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant.

APPEAL NO. 98-177

(5)
3175 - 17TH STREET LP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on September 29, 1998
[of permit to Alter a Building
[(convert vacant warehouse to
[12 live/work units) at
[3175 - 17th Street.
[APPLICATION NO. 9803199S.
[FOR FURTHER HEARING TODAY.

SF
230
#2
5/5/99
Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 5, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 21, 1999 (cont'd.)

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **July 21, 1999** for revised plans.

SPEAKERS: Judith Boyajian, Deputy City Attorney; and Adam Sparks, appellant.

The Board recessed from 6:50 to 7:04 p.m.

APPEAL NO. 99-027

(6)
G. ROBERT MUEHLHAUSER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 9, 1999, of
[permit to Alter a Building (install
[new skylights on existing
[conservatory glass enclosures
[to eliminate continuing main-
[tenance leakage problems)
[at 1940 Broadway St.
[APPLICATION NO. 9904513.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings of the earlier action of the Planning Commission and the **CONDITION** that the permit shall be issued to the owner of the property.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; W. Davis Larson, agent for appellant; Sandra Muehlhauser, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 99-025

(7)
ZELKO SIMONI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[19, 1999, to Ciaran Harty, permit
[to Erect a Building (four condo-
[miniums on three stories) at
[20 Elizabeth Street.
[APPLICATION NO. 9825648S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Judith Boyajian, Deputy City Attorney; Zelko Simoni, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Bart Murphy, permit holder; and Eamon Murphy and Jim Minahan, in support of permit holder.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 21, 1999 (cont'd.)

APPEAL NO. 99-026

1628-30-32 PAGE STREET T.I.C.,
Appellant
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[23, 1999, to Steve Oliva, permit
[to Alter a Building (remodel
[kitchen; extend kitchen under
[existing second floor; repair
[deck; replace stairs from second
[floor to ground) at 459 Ashbury
[Street.
[APPLICATION NO. 9800922S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted to **UPHOLD** t department with **CONDITIONS:** Plans approved January 15, 1998 to be reinstated; t stairs to the rear yard to be deleted; no dirt to be added to the rear year; and p ladders shall be used for egress at the rear.

SPEAKERS: Rebecca Shannon, appellant; and Ernie Selander, architect for permit holder.

APPEAL NO. 98-083

ROSEMARY MacGUINESS & PHILIP BELLBER,
Appellants
(9) vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated April 24,
[1998 that Building Permit Appli-
[cation No. 9701443 to convert
[a residential building at 240-242
[Carl Street from three to four
[units, its former use, cannot
[be approved under Planning Code
[Section 183, since a non-conforming
[use cannot be reinstated once
[the building has been brought
[into compliance with the Planning
[Code. Here the fourth unit had
[been installed without a permit
[originally and the property is
[zoned RH-3.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellant.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 21, 1999 (cont'd.)

There being no further business, President McInerney adjourned the meeting at 7:58 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

to assist the City's efforts to accommodate such people. attendees at public meetings are reminded

F
30
2
5/5/99

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 5, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
APR 30 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISIONERS COMMENTS AND QUESTIONS.**

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 99-036

(A)
EUGENIE WINSLOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March
[18, 1999, for work done at
[1446 - 42nd Avenue.
[APPLICATION NO. 9904150.
[FOR HEARING TODAY.

APPEAL NO. 99-047

(B)
KEN LO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 9, 1999, for
[work done at 2 Gennessee Street.
[APPLICATION NO. 9902731.
[FOR HEARING TODAY.

APPEAL NO. 99-054

(C)
NANCY A. RUSSELL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 21, 1999, for
[work done at 134 Del Vale Avenue.
[APPLICATION NO. 9412921.
[FOR HEARING TODAY.

APPEAL NO. 98-196

(4)
MYONG W. KIM, dba "SUK-HEE MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 16, 1998,
[of massage establishment permit
[at 483 Broadway Street.
[FOR HEARING TODAY.

APPEAL NO. 99-028

(5) WEN YONG HUANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 25, 1999,
[of permit to Remove and Replace
[one tree at 29 Colby Street.
[ORDER NO. 171,545.
[FOR HEARING TODAY.

APPEAL NO. V99-030

(6) VICTORIA COLE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on March 2, 1999, of
[Rear Yard and Off-Street Park-
[ing Variance (fill in beneath
[the existing second story at
[the rear, add a second-story
[deck in the required rear yard,
[and add a dwelling unit with
[the required off-street parking
[space provided in tandem) for
[property at 1610 Lyon Street.
[VARIANCE CASE NO. 98.996.V.
[FOR HEARING TODAY.

APPEAL NO. V99-031

(7) PETER A. MASTROMONACO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March 2,
[1999, of Minimum Lot Area and
[Lot Width Variances (subdivide
[an existing lot into two separate
[parcels) to Jess Centeno, for
[property at 2479 Diamond Street.
[VARIANCE CASE NO. 98.140V.
[FOR HEARING TODAY.

Date posted: April 29, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In ord to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessib services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Po Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publ Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people an that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that th y may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

0
)
/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 5, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Patty Wilson, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.
MAY 18 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISIONERS COMMENTS AND QUESTIONS**.

SPEAKERS: Commissioner El Qadah thanked Laurence Kornfield, Robert Passmore and Larry McDonald for the tour of DBI and Planning Department.

(3) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

to assist the City's efforts to accommodate such people, attendees at public meetings are reminde

APPEAL NO. 99-036

(A)
EUGENIE WINSLOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on March
[18, 1999, for work done at
[1446 - 42nd Avenue.
[APPLICATION NO. 9904150.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRULE** t department with the **CONDITION** the penalty be reduced to two times the regular fee $85.15 for a total of $170.30.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 99-047

(B)
KEN LO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 9, 1999, for
[work done at 2 Gennessee Street.
[APPLICATION NO. 9902731.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRULE** t department with the **CONDITION** the penalty be reduced to two times the regular fee $215.78 for a total of $431.56.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 99-054

(C)
NANCY A. RUSSELL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty
[imposed on April 21, 1999, for
[work done at 134 Del Vale Avenue.
[APPLICATION NO. 9412921.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRULE** t department with the **CONDITION** the penalty be reduced to two times the regular fee $183.30 for a total of $366.60.

SPEAKERS: The appellant was present but did not speak.

APPEAL NO. 98-196

(4)
MYONG W. KIM, dba "SUK-HEE MASSAGE",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 16, 1998,
[of massage establishment permit
[at 483 Broadway Street.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **May 19, 1999** at request of appellant and agreement of SFPD.

APPEAL NO. 99-028

WEN YONG HUANG, Appellant
(5) vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on February 25, 1999,
[of permit to Remove and Replace
[one tree at 29 Colby Street.
[ORDER NO. 171,545.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 to **OVERRULE** and **GRANT** the permit with the **CONDITION** that the old tree is cut to stump height and the new tree be maintained by owner.

SPEAKERS: John Fournet, Department of Public Works; Raymond Huang, appellant's son; and Wen Yong Huang, appellant.

APPEAL NO. V99-030

VICTORIA COLE, Appellant
(6) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on March 2, 1999, of
[Rear Yard and Off-Street Park-
[ing Variance (fill in beneath
[the existing second story at
[the rear, add a second-story
[deck in the required rear yard,
[and add a dwelling unit with
[the required off-street parking
[space provided in tandem) for
[property at 1610 Lyon Street.
[VARIANCE CASE NO. 98.996.V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (President McInerney, Vice President Chin, Commissioner El Qadah dissented) to continue the matter to the next available date for new plans. Three votes are needed and the motion failed. Then upon motion by Vice President Chin, the Board voted 3-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** the Zoning Administrator and **DENY** the variance.

SPEAKERS: Victoria Cole, appellant; and Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. V99-031

(7)
PETER A. MASTROMONACO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March 2,
[1999, of Minimum Lot Area and
[Lot Width Variances (subdivide
[an existing lot into two separate
[parcels) to Jess Centeno, for
[property at 2479 Diamond Street.
[VARIANCE CASE NO. 98.140V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-2 (Vic President Chin and Commissioner El Qadah dissented) to overrule the Zonir Administrator and deny the variance. Four votes are needed and the motion failed. Th variance is **UPHELD**.

SPEAKERS: Peter Mastromonaco, appellant; Robert Passmore, Zoning Administrator for th Planning Department; and Judith Boyajian, Deputy City Attorney.

The appellant did not appear.

There being no further business, President McInerney adjourned the meeting at 6:59 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 36-4440.

Agenda

2/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 12, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
MAY 07 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

APPEAL NO. 99-048

(3)
JOE McCUNE & JAMES HOUILLION, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 29,
[1999, to 560 Haight Street Development Partners LLC, permit to Alter a
[Building (construct 18 dwelling units)
[at 560 Haight Street.
[APPLICATION NO. 9804667S.
[FOR HEARING TODAY.

APPEAL NO. 99-017

(4)
MARIA CORAZON S. SOLEDAD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 3,
[1999, to Robert Fallon, permit to
[Demolish a Building (single family
[dwelling) at 146 Blake Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

APPEAL NO. 99-033

(5)
BARBARA JOHNSON & ELIZABETH NANZ,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 2, 1999,
[to Tony Leung, permit to Alter a Build-
[ing (raise roof at rear portion; replace
[rotten enclosure under roof deck and
[relocate rear stairs; minor interior
[alteration including adding bathrooms;
[new roof and and skylights; comply
[with notices of violation) at
[3981-83 - 25th Street.
[APPLICATION NO. 9903947.
[FOR HEARING TODAY.

APPEAL NO. 99-035

(6)
LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappacasse, permit to Alter a Building
[(remove walls to provide parking
[spaces and remove daycare facility)
[at 2234-2236 Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED ON
[MARCH 18, 1999.
[FOR HEARING TODAY.

APPEAL NO. 99-044

(7)
MARTIN SELLERS & JAMES SLAUGHTER,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on March 20,
[1999, to Reliance Development
[Group, permit to Erect a Building
[(116 dwelling units) at 229 Brannan
[Street.
[APPLICATION NO. 9800447S.
[FOR HEARING TODAY.

APPEAL NO. 99-050

(8)
KOK JUN CHOY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 30,
[to Andrew and Darcy Fay, permit
[to Alter a Building (remove non-
[conforming second dwelling in
[basement; remove kitchen and bath
[areas; disconnect utilities) at
[800 Miramar Avenue.
[APPLICATION NO. 9905047.
[FOR HEARING TODAY.

APPEAL NO. 99-041

(9)
JAMES McKENNA & MICHAEL SMITH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 11,
[1999, to Michi Lai, permit to Alter
[Building (delete second story deck;
[set back ground floor deck three feet
[from property line; eliminate property
[line fire wall at rear deck; replace
[second story rear wall siding glass
[doors with casement windows;
[provide mechanical ventilation in
[new bathroom; change studies to
[pantries; adjust building footprint)
[at 4250-52 – 25th Street.
[APPLICATION NO. 9902692.
[FOR HEARING TODAY.

APPEAL NO. 99-034

(10)
CHANG TSENG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval by Zoning Administrator
[dated March 3, 1999 of a Massage
[Establishment Permit application
[referral by the Police Department for
[the property at 332 South Van Ness
[Avenue, Chang Tseng, applicant, dba
["Sunshine Health Spa", in the Mission
[Massage Establishment Interim Mora-
[torium Special Use District.
[APPLICATION NO. 9800043.
[FOR HEARING TODAY.

Date posted: May 6, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individual and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 12, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

DOCUMENTS DEPT.
MAY 18 1999
SAN FRANCISCO
PUBLIC LIBRARY

APPEAL NO. 99-048

(3)

JOE McCUNE & JAMES HOUILLION, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 29,
[1999, to 560 Haight Street Develop-
[ment Partners LLC, permit to Alter a
[Building (construct 18 dwelling units)
[at 560 Haight Street.
[APPLICATION NO. 9804667S.
[FOR HEARING TODAY.

ACTION: The Board was polled whether the Environmental documents had been reviewed and considered. All answered and replied "aye". After discussion, upon motion by Vice President Chin, the Board voted 5-0 **UPHOLD** the department and **GRANT** the permit with findings as stated, and adopt the findings of the Planning Commission.

SPEAKERS: James Houillion and Joe McCune, appellants; Frederick Hobson, Pamela Smith, Joshu Switzky, Rich Schaefer, Jeri Thompson, Michael J. Zack, Lynne Ellman, Brend Johnson, Tanya Collier, Richard Johnson, Roger Campos, Smellen Campos, Michae Martzke, Joseph Rooney, Melissa Owens, Jose Paz, Patricia Miller, Craig Keys, i support of appellants; Robert Passmore, Zoning Administrator for the Plannin Department; John Sanger, attorney for permit holder; Samuel Collins, Jean Rusk Jeremy Paul, Keith R. Potter, in support of permit holder; Laurence Kornfield, Chie Building Inspector for the Department of Building Inspection; and George Hause architect for permit holder.

The Board recessed from 7:00 to 7:24 p.m.

APPEAL NO. 99-017

(4)

MARIA CORAZON S. SOLEDAD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 3,
[1999, to Robert Fallon, permit to
[Demolish a Building (single family
[dwelling) at 146 Blake Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 **RESCHEDULE** the matter to **May 19, 1999**.

SPEAKERS: None.

APPEAL NO. 99-033

(5)

BARBARA JOHNSON & ELIZABETH NANZ,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 2, 1999,
[to Tony Leung, permit to Alter a Building (raise roof at rear portion; replace
[rotten enclosure under roof deck and
[relocate rear stairs; minor interior
[alteration including adding bathrooms;
[new roof and and skylights; comply
[with notices of violation) at
[3981-83 - 25th Street.
[APPLICATION NO. 9903947.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit based on the written submittals.

SPEAKERS: There was no testimony. Neither party appeared.

APPEAL NO. 99-035

(6)
LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappa-
[casse, permit to Alter a Building
[(remove walls to provide parking
[spaces and remove daycare facility)
[at 2234-2236 Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED ON
[MARCH 18, 1999.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-2 (President McInerney and Vice President Chin dissented) to **CONTINUE** the matter to **September 22, 1999** to allow the appellant to apply for a variance.

SPEAKERS: Lawrence Alioto, attorney for appellant; Robert Passmore, Zoning Administrator for the Planning Department; Dennis Hyde, attorney for permit holder; and Lucinda Hampton, appellant.

APPEAL NO. 99-044

(7)
MARTIN SELLERS & JAMES SLAUGHTER,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
REDEVELOPMENT AGENCY APPROVAL

[Protesting issuance on March 20,
[1999, to Reliance Development
[Group, permit to Erect a Building
[(116 dwelling units) at 229 Brannan
[Street.
[APPLICATION NO. 9800447S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by appellants.

APPEAL NO. 99-050

(8)
KOK JUN CHOY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 30,
[to Andrew and Darcy Fay, permit
[to Alter a Building (remove non-
[conforming second dwelling in
[basement; remove kitchen and bath
[areas; disconnect utilities) at
[800 Miramar Avenue.
[APPLICATION NO. 9905047.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit based on the written submittals.

SPEAKERS: There was no testimony. The appellant did not appear.

APPEAL NO. 99-041

(9)
JAMES McKENNA & MICHAEL SMITH, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 11,
[1999, to Michi Lai, permit to Alter
[Building (delete second story deck;
[set back ground floor deck three feet
[from property line; eliminate property
[line fire wall at rear deck; replace
[second story rear wall siding glass
[doors with casement windows;
[provide mechanical ventilation in
[new bathroom; change studies to
[pantries; adjust building footprint)
[at 4250-52 – 25th Street.
[APPLICATION NO. 9902692.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 3- (Commisioner Cullum and Saunders dissented) to **UPHOLD** the department ar **GRANT** the permit.

SPEAKERS: Michael Smith and James Smith, appellants; John Cobham and Art Daj, in support appellants; Robert Passmore, Zoning Administrator for the Planning Department; Ric Hills and Steven Vettle, attorneys for permit holder; Laurence Kornfield, Chief Buildir Inspector for the Department of Building Inspection; Joseph Born, architect for perm holder.

The Board recessed from 9:26 to 9:31 p.m.

APPEAL NO. 99-034

(10)
CHANG TSENG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval by Zoning Administrator
[dated March 3, 1999 of a Massage
[Establishment Permit application
[referral by the Police Department for
[the property at 332 South Van Ness
[Avenue, Chang Tseng, applicant, dba
["Sunshine Health Spa", in the Mission
[Massage Establishment Interim Moratorium Special Use District.
[APPLICATION NO. 9800043.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Chin, the Board voted 5-0 **CONTINUE** the matter to **May 19, 1999**.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Warner Wor, attorney for appellant; and Judith Boyajian, Deputy City Attorney.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 12, 1999 (cont'd.)

There being no further business, President McInerney adjourned the meeting at 9:55 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

0

9/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, MAY 19, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
MAY 14 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from W.B. Farrelly, et al., requesting that the Board take jurisdiction over Building Permit Application No. 9821313S issued to Tai Chan, to erect a four story, two dwelling unit structure at 1450 – 19th Avenue.

Date issued	February 5, 1999
Last day to appeal	February 22, 1999
Request for jurisdiction	May 3, 1999

APPEAL NO. 99-034

(4)
CHANG TSENG, dba "Sunshine Health Spa",
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval dated March 3, 1999
[of a Massage Establishment Permit
[application referral by the Police
[Department for the property at
[332 South Van Ness Avenue, in
[the Mission Massage Establishment
[Interim Moratorium Special Use
[District.
[APPLICATION NO. 9800043.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-196

(5)
MYONG W. KIM, dba "SUK-HEE MASSAGE,
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 16, 1998,
[of massage establishment permit
[at 483 Broadway Street.
[FOR HEARING TODAY.

APPEAL NO. 99-038

(6)
MOHAMMAD A. SAEDI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 22, 1999, of permit
[to Erect a Building (four stories, three
[dwelling units) at 58 Caselli Avenue.
[APPLICATION NO. 9824854S.
[FOR HEARING TODAY.

APPEAL NO. 99-017

MARIA CORAZON S. SOLEDAD, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[3, 1999, to Robert Fallon, permit
[to Demolish a Building (single family
[dwelling) at 146 Blake Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

APPEAL NO. 99-037

PETER SUTHERLAND, Appellant
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 4,
[1999, to RAM Development,
[permit to Erect a Building (six live/
[work units) at 633 Hampshire Street.
[APPLICATION NO. 9803145S.
[FOR HEARING TODAY.

APPEAL NO. 99-040

JOHN & ANA REIMONENQ, Appellants
(9) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12,
[1999, to Eleanor Perrasso, permit
[to Alter a Building (to obtain DCP
[clearance for deck being built
[under PA 9903349 and to clarify
[that scope of work is to demolish
[existing deck to abate complaint)
[at 335 Rome Street.
[APPLICATION NO. 9904856.
[FOR HEARING TODAY

APPEAL NO. 99-042

ALAIN F. KINET, Appellant
(10) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 18,
[1999, to Rodney Rougelot, permit
[to Alter a Building (replace roof
[construction, occupy existing attic,
[raise roof, all new interior work on
[two floors, new deck and entry at
[front, new deck at rear) at 542 –
[42nd Avenue.
[APPLICATION NO. 9901016.
[FOR HEARING TODAY.

(11) **CLOSED SESSION**:

(A) Public Comment on all matters pertaining to the Closed Session.

(B) Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Final review of Goals/Objectives for Executive Secretary for Performance Management Program.

(C) Reconvenes in open session to vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b)).

Date posted: May 13, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 19, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

SPEAKERS: None.

DOCUMENTS DEPT.
MAY 28 1999
SAN FRANCISCO
PUBLIC LIBRARY
99-05-28A11:16 RCVD

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD**: Letter from W.B. Farrelly, et al., requesting that the Board take jurisdiction over Building Permit Application No. 9821313S issued to Tai Chan, to erect a four story, two dwelling unit structure at 1450 – 19th Avenue.

Date issued	February 5, 1999
Last day to appeal	February 22, 1999
Request for jurisdiction	May 3, 1999

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-2 (President McInerney an Vice President Chin dissented) to grant jurisdiction and an early hearing date. Four vote are needed and the motion failed. The request is **DENIED**.

SPEAKERS: Edward Brady, representing requestors; Nick Buick, requestor; Jimmy Jen, architect f permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Buildi Inspection; and Robert Passmore, Zoning Admintrator for the Planning Department.

APPEAL NO. 99-034

(4)
CHANG TSENG, dba "Sunshine Health Spa",
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Disapproval dated March 3, 1999
[of a Massage Establishment Permit
[application referral by the Police
[Department for the property at
[332 South Van Ness Avenue, in
[the Mission Massage Establishment
[Interim Moratorium Special Use
[District.
[APPLICATION NO. 9800043.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Vi President Chin dissented) to **UPHOLD** the Zoning Administrator and **DENY** the perr application referral.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Sergeant A Mannix, S.F.P.D.; Laurence Kornfield, Chief Building Inspector for the Department Building Inspection; and Tony Perez, Omar Assad, Lori Lacewell, Ethel Siegel Newlin, support of Zoning Administrator.

APPEAL NO. 98-196

(5)
MYONG W. KIM, dba "SUK-HEE MASSAGE,
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on October 16, 1998,
[of massage establishment permit
[at 483 Broadway Street.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing.

APPEAL NO. 99-038

(6)
MOHAMMAD A. SAEDI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 22, 1999, of permit
[to Erect a Building (four stories, three
[dwelling units) at 58 Caselli Avenue.
[APPLICATION NO. 9824854S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 1 (Commissioner El Qadah dissented) to **UPHOLD** the department and **DENY** the perm

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Phillip Moss, architect for appellant; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; John Woodward, in support of the department; and Carlos Castro, real estate agent for appellant.

The Board recessed from 6:51 to 7:03 p.m.

APPEAL NO. 99-017

MARIA CORAZON S. SOLEDAD, Appellant
(7) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[3, 1999, to Robert Fallon, permit
[to Demolish a Building (single family
[dwelling) at 146 Blake Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **CONTINUE** the matter to **June 2, 1999** for the parties to complete an agreement.

SPEAKER: James Reuben, attorney for permit holder.

The Board recessed from 7:06 to 7:10 p.m.

APPEAL NO. 99-037

PETER SUTHERLAND, Appellant
(8) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 4,
[1999, to RAM Development,
[permit to Erect a Building (six live/
[work units) at 633 Hampshire Street.
[APPLICATION NO. 9803145S.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunders absent) to **RECUSE** President McInerney, who left the dais. Then after discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (Vice President Chin and Commissioner El Qadah dissented) to continue the matter to **June 2, 1999**. Three votes are needed and the motion failed. Then upon motion by Commissioner El Qadah, the Board voted 2-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Peter Sutherland, appellant; Ken Owens, John Ross, Tom Wetzel, Chris Mattus, Rachel Ross, Sandra Evelle, Aaron Arroya, Jose Rodriguez, Bernard Alston, Fred Barnes,Darryl Burton, Elaine Ireland, Beth Hammond Dufrayne, Elsie Bandares, in support of appellant; Robert Passmore, Zoning Administrator for the Planning Department; James Reuben, attorney for permit holder; Ben Figgen, Mack Burton, Bernard Thomas, Tom Murphy, Angus McCarthy, Keiran Woods, Alexis Nickas read a letter from Mark Vermeulen, Alice Barkley, for the RBA; Red Lyons and Michael Spaer, permit holders; Judith Boyajian, Deputy City Attorney; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

President McInerney left the dais at 7:10 and returned at the conclusion of Item 8. The Board recessed from 8:58 to 9:10 p.m.

APPEAL NO. 99-040

(9)
JOHN & ANA REIMONENQ, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 12,
[1999, to Eleanor Perrasso, permit
[to Alter a Building (to obtain DCP
[clearance for deck being built
[under PA 9903349 and to clarify
[that scope of work is to demolish
[existing deck to abate complaint)
[at 335 Rome Street.
[APPLICATION NO. 9904856.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOL** the department and **GRANT** the permit.

SPEAKERS: John Reimonenq, appellant; Robert Passmore, Zoning Administrator for the Planning Department; Fran Perasso, permit holder; Laurence Kornfield, Chief Building Inspector fo the Department of Building Inspection.

APPEAL NO. 99-042

(10)
ALAIN F. KINET, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 18,
[1999, to Rodney Rougelot, permit
[to Alter a Building (replace roof
[construction, occupy existing attic,
[raise roof, all new interior work on
[two floors, new deck and entry at
[front, new deck at rear) at 542 –
[42nd Avenue.
[APPLICATION NO. 9901016.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOL** the department and **GRANT** the permit.

SPEAKERS: Alain Kinet, appellant; Lynn Quade, John Dean, in support of appellant; Robert Passmor Zoning Administrator for the Planning Department; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Roger Rougelot, permit holder; and Aleck Wilson, architect for permit holder.

(11) **CLOSED SESSION**:

(A) Public Comment on all matters pertaining to the Closed Session.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 19, 1999 (cont'd.)

(B) Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Final review of Goals/Objectives for Executive Secretary for Performance Management Program.

(C) Reconvenes in open session to vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b)).

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to not disclose any or all discussions held in the closed session.

There being no further business, President McInerney adjourned the meeting at 10:11 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 2, 1999

/99

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
MAY 28 1999
SAN FRANCISCO
PUBLIC LIBRARY
99-05-28A11:16 RCVD

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from Victoria Cole, appellant, requesting rehearing of Appeal No. V99-030, 1610 Lyon Street. Upon motion by Commissioner Cullum, the Board voted 2-3 (President McInerney, Vice President Chin, Commissioner El Qadah dissented) to continue the matter to the next available date for new plans. Three votes are needed and the motion failed. Then upon motion Vice President Chin, the Board voted 3-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** the Zoning Administrator and **DENY** the variance.

ITEM B: Letter from Robert Passmore, Zoning Administrator for the Planning Department, requesting rehearing of Appeal No. V99-031, 2479 Diamond Street. Upon motion by Commissioner Cullum, the Board voted 3-2 (Vice President Chin and Commissioner El Qadah dissented) to overrule the Zoning Administrator and deny the variance. Four votes are needed and the motion failed. The variance is **UPHELD.**

ITEM C: Letter from Joe McCune, appellant, requesting rehearing of Appeal No. 99-048, 560 Haight Street. The Board was polled whether the environmental documents had been reviewed and considered. All answered and replied "aye". After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with findings as stated, and adopt the findings of the Planning Commission.

APPEAL NO. 99-017

(4)
MARIA CORAZON S. SOLEDAD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 3,
[1999, Robert Fallon, permit to
[Demolish a Building (single family
[dwelling) at 146 Blake Street.
[APPLICATION NO. 9723963.
[FOR FURTHER HEARING TODAY.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

APPEAL NO. 99-059

(A)
PAUL S.P. YEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on May
[3, 1999, for work done at
[16-18 Loyola Terrace
[APPLICATION NO. 9905027.
[FOR HEARING TODAY.

APPEAL NO. 99-038

(B)
RALPH ANGELO PAGANO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Imposition of Penalty on May
[4, 1999, for work done at
[8-10 Gough Street.
[APPLICATION NO. 9905345.
[FOR HEARING TODAY.

APPEAL NO. 99-045

(6)
BRAVA! FOR WOMEN IN THE ARTS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 23, 1999, of
[permit to Erect a Sign (change
[sign graphics for existing marquee
[sign and add new cabinets to the
[bottom section) at 2761 – 24th Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

APPEAL NO. 99-046

(7)
ROBERT HANES & CHRISTINE BENNETT, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial of an Alcoholic Beverage
[Control application for sidewalk
[expansion of the Diamond Corner
[Cafe at 751Diamond Street for the
[reason that the application for three
[tables and nine chairs does not comply
[with the Ordinance 400-97 controls
[on Alcoholic Beverage Consumption
[on Public Streets Open to Public View,
[which limits Full Service Restaurants
[to such use, while the business at this
[site is a small self-service restaurant
[under Planning Code Section 790.91
[which may not serve alcoholic bever-
[ages on the sidewalk.
[FOR HEARING TODAY.

APPEAL NO. 99-053

(8)
CHARLES & LINDA LEWIS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Suspension of Building Permit Applicat n
[No. 9702021 (approved in error by the
[Planning Department) at the request of
[the Planning Department dated April 9,
[1999 for the reason that there are
[discrepancies between the plans
[submitted and the Exhibit A plans upon
[which a variance was granted on Octob r
[15, 1998 (Variance Case No. 97.386V)
[for property at 4235-37 - 23rd Street. T e
[plans may be revised to agree with Exh bit
[A plans or a new variance may be soug t.
[FOR HEARING TODAY.

Date posted: May 27, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cather Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possib

Minutes of the hearing are available in alternative formats. If you require the use of a reader du the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rela disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In or to assist the City's efforts to accommodate such people, attendees at public meetings are remin that other attendees may be sensitive to various chemical based products. Please help the Cit accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Ma Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI access services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availabl

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pu Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind indivic and entities that influence or attempt to influence local legislative or administrative action that may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16. to register and report lobbying activity. For more information about the Lobbyist Ordinance, pl contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/ (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

DOCUMENTS DEPT.

JUN 15 1999

SAN FRANCISCO
PUBLIC LIBRARY

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 2, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Gerald Green, Director of Planning; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Patty Wilson, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Timothy Tosta invited the Board to an event honoring Mary Risley.

Michael Zack, James Houillion and Lynn Ellman all supported the request for rehearing of Appeal No. 99-048 by Joe McCune under Item 3(c).

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Commissioner El Qadah stated that he had reviewed all the materials an briefs in the file before participating in Appeal No. 99-048 on May 12, 1999.

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from Victoria Cole, appellant, requesting rehearing of Appeal No. V99-030, 1610 Lyon Street. Hearing May 5, 1999. Upon motion by Commissioner Cullum, the Board voted 2-3 (President McInerney, Vice President Chin, Commissioner El Qadah dissented) to continue the matter to the next to assist the City's efforts to accommodate such people, attendees at public meetings are remin

available date for new plans. Three votes are needed and the motion failed. Then upon motion Vic President Chin, the Board voted 3-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** th Zoning Administrator and **DENY** the variance.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 4- (Commissioner Cullum dissented) to **DENY** the request for rehearing.

SPEAKERS: Al Sanchez, agent for appellant; and Laurence Kornfield, Chief Building Inspector for th Department of Building Inspection.

ITEM B: Letter from Robert Passmore, Zoning Administrator for the Planning Department, requestir rehearing of Appeal No. V99-031, 2479 Diamond Street. Hearing May 5, 1999. Upon motion b Commissioner Cullum, the Board voted 3-2 (Vice President Chin and Commissioner El Qada dissented) to overrule the Zoning Administrator and deny the variance. Four votes are needed and th motion failed. The variance is **UPHELD.**

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **GRAN** a rehearing and scheduled it for **July 7, 1999**.

SPEAKERS: Gerald Green, Director of Planning; and Jess Centeno, variance holder.

ITEM C: Letter from Joe McCune, appellant, requesting rehearing of Appeal No. 99-048, 560 Haig Street. Hearing May 12, 1999. The Board was polled whether the environmental documents had be reviewed and considered. All answered and replied "aye". After discussion, upon motion by Vi President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with findin as stated, and adopt the findings of the Planning Commission.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **DENY** t request for rehearing.

SPEAKERS: Joe McCune, appellant; and Jay Wallace, attorney for permit holder.

APPEAL NO. 99-017

(4)
MARIA CORAZON S. SOLEDAD, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 3,
[1999, Robert Fallon, permit to
[Demolish a Building (single family
[dwelling) at 146 Blake Street.
[APPLICATION NO. 9723963.
[FOR FURTHER HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provid for in the Building Code. Without consent the Board will take testimony and then decide the app individually.

APPEAL NO. 99-059

(A)
PAUL S.P. YEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on May
[3, 1999, for work done at
[16-18 Loyola Terrace
[APPLICATION NO. 9905027.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $378.30 for a total of $756.60.

SPEAKERS: The appellant was present but did not speak. Consent was given.

APPEAL NO. 99-038

(B)
RALPH ANGELO PAGANO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Imposition of Penalty on May
[4, 1999, for work done at
[8-10 Gough Street.
[APPLICATION NO. 9905345.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to three times the regular fee of $102.05 for a total of $306.15.

SPEAKERS: Ralph Angelo Pagano, appellant; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

APPEAL NO. 99-045

(6)
BRAVA! FOR WOMEN IN THE ARTS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 23, 1999, of
[permit to Erect a Sign (change
[sign graphics for existing marquee
[sign and add new cabinets to the
[bottom section) at 2761 – 24th Street.
[APPLICATION NO. 9723963.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Saunders, the Board voted 5-0 to **OVERRULE** the department with findings as submitted by the attorney for appellant.

SPEAKERS: Gerald Green, Director of Planning; and Alice Barkley, attorney for appellant.

to assist the City's efforts to accommodate such people. attendees at public meetings are remin

APPEAL NO. 99-046

(7) ROBERT HANES & CHRISTINE BENNETT, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial of an Alcoholic Beverage
[Control application for sidewalk
[expansion of the Diamond Corner
[Cafe at 751Diamond Street for the
[reason that the application for three
[tables and nine chairs does not comply
[with the Ordinance 400-97 controls
[on Alcoholic Beverage Consumption
[on Public Streets Open to Public View,
[which limits Full Service Restaurants
[to such use, while the business at this
[site is a small self-service restaurant
[under Planning Code Section 790.91
[which may not serve alcoholic bever-
[ages on the sidewalk.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (Presiden McInerney, Vice President Chin, Commissioner Saunders dissented) to overrule the department grant the application. Four votes are needed and the motion failed. The Zoning Administrator is **UPHELD**.

SPEAKERS: Gerald Green, Director of Planning; Robert Hanes and Christine Bennett, appellants; and Tom Johnson, in support of appellants.

APPEAL NO. 99-053

(8) CHARLES & LINDA LEWIS, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Suspension of Building Permit Applicatio
[No. 9702021 (approved in error by the
[Planning Department) at the request of
[the Planning Department dated April 9,
[1999 for the reason that there are
[discrepancies between the plans
[submitted and the Exhibit A plans upon
[which a variance was granted on Octobe
[15, 1998 (Variance Case No. 97.386V)
[for property at 4235-37 - 23rd Street. Th
[plans may be revised to agree with Exhib
[A plans or a new variance may be sough
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 **OVERRULE** the Zoning Administrator and lift the suspension of the permit and require revision of the plans or a new variance.

SPEAKER: Gerald Green, Director of Planning. The appellants were present but did not speak.

There being no further business, President McInerney adjourned the meeting at 7:02 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

to assist the City's efforts to accommodate such people: attendees at public meetings are remind

f
30
2
/9/99

DOCUMENTS DEPT.
JUN - 4 1999
SAN FRANCISCO
PUBLIC LIBRARY

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 9, 1999

06-04-99A10:26 RCVD

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2) COMMISSIONERS COMMENTS AND QUESTIONS.

3) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARINGS:

ITEM A: Letter from Terry J. Mollica, attorney for Barbara Johnson and Elizabeth Nanz, appellants, requesting rehearing of Appeal No. 99-033, 3981-83 - 25th Street. Upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit based on the written submittals. Hearing on May 12, 1999.

ITEM B: Letter from James McKenna and Michael Smith, appellants, requesting rehearing of Appeal No. 99-041, 4250-52 - 24th Street. Upon motion by President McInerney, the Board voted 3-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** the department and **GRANT** the permit. Hearing on May 12, 1999.

APPEAL NO. 98-207

4) PACT, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated November 23, 1998 that the legal use of the property at 635 Divisadero Street is two-family residential and that the NC-2 zoning of the property allows office use on the first floor as a principal permitted use, on the second floor as a conditional use, and that office use is not permitted on the third floor at all; appellant requests permission to file conditional use application for use of the entire building for office use.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 99-005

(5)
PETER AND TERRI SKOV, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated December 30,
[1998 requesting that the side
[yard of the building at 527-531
[Broderick Street be reopened to
[the residents for the front dwelling unit in order to abate violation of Planning Code Section
[135 requiring usable open space
[for dwellings in RM-1 zoning
[districts.
[PUBLIC HEARING CLOSED.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 98-153

(6)
JOTE KEJELA, dba "TAXI TAXI",
Appellant
vs.
POLICE COMMISSION, Respondent

[Revocation on August 6, 1998,
[of taxicab permit medallion
[No. 789.
[RESOLUTION NO. 67-98.
[FOR REHEARING TODAY.

APPEAL NO. 98-035

(7)
VICTOR TWAL dba "BUDDIES",
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998,
[of permit to Alter a Building
[(legalize 3' x 4' x 12'6"
[awning and sign installed without permit) at 498 Sanchez Stree
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

APPEAL NO. 99-029

(8)
JEANNINE N. BERMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 2,
[1999, to David T. Lumbard, permi
[to Alter a Building (frame 2x4
[firewall consisting of two layer
[of sheetrook and siding; legaliz
[rear deck) at 2556 Pine Street.
[APPLICATION NO. 9904028.
[FOR HEARING TODAY.

APPEAL NO. 99-043

(9)
RUSSELL & MARGARET GARVIN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February
[12, 1999, to Steven Worthington
[permit to Alter a Building
[(auto runway with new curb cut
[without new paving in right-of-
[way; new 4'6" high metal fence;
[gate and concrete curb wall)
[at 237 Grattan Street.
[APPLICATION NO. 9901794.
[FOR HEARING TODAY.

APPEAL NO. 99-056

(10)
GLORIA LOGGINS & ROBERT FISHER, SR.,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 7,
[1999, to Theresa Helton, permit
[to Alter a Building (add new rm
[and bathroom) at 1535 Underwooc
[Avenue.
[APPLICATION NO. 9900162.
[FOR HEARING TODAY.

APPEAL NO. V99-016

11) YU LAN FONG YEUNG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 4, 1999,
[of Off-Street Parking Variance
[(to retain fourth dwelling unit
[constructed on the ground floor
[of an existing three story,
[three unit building without
[permit which eliminated one
[of the existing required off-
[street parking spaces and fails
[to provide a fourth off-street
[parking space for the ground
[floor unit) at 234 - 26th Avenue.
[VARIANCE CASE NO. 98.997V.
[FOR HEARING TODAY.

APPEAL NO. 99-057

12) RON & ANNETTE ZEFF, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated April 21,
[1999 that Planning Code Section
[261 prohibits the raising of the
[roofline of the penthouse at
[2563 Divisadero Street since
[the existing penthouse already
[exceeds the 35-foot height limit
[in the RH-1(D) district; Section
[305 precludes the Zoning Adminis-
[trator from granting a variance
[which would permit any height
[not expressly permitted by the
[Planning Code for the district
[in which located (VARIANCE APPL-
[CATION 99.049V).
[FOR HEARING TODAY.

Date posted June 3, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of den ls revocations and suspensions the representatives of the department, board, commission or pei from whose order the appeal is taken shall speak first and shall be allowed seven minutes for e presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven min e for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minute t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed se e minutes to present oral argument and three minutes for rebuttal. The Board may reque departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to t e minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the at of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Bo ard should be addressed to John E. McInerney, III, President, and be received at the Board office, 56 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the schec le public hearing. Persons unable to attend the scheduled public hearing may submit written comm nt regarding a calendared item to the Board office. Comments received before noon on the day c th hearing will be made a part of the official record and will be brought to the attention of the Boa the public hearing. For complete distribution to all Commissioners of the Board, necessary staf an case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a varian development permit, you may be limited to raising only those issues you or someone else rais the public hearing described in this notice, or in written correspondence delivered to the Boa Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, o ar taken out of order to accommodate special needs. The Board urges all parties to be present i th hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant p bli hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and ma b filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin
Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader duri
the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat
disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In ord
to assist the City's efforts to accommodate such people, attendees at public meetings are remind
that other attendees may be sensitive to various chemical based products. Please help the City
accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU
Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mar
Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessi
services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P
Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub
Commissions, boards, councils and other agencies of the City and County exist to conduct
people's business. This ordinance assures that deliberations are conducted before the people
that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci
Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T
Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu
and entities that influence or attempt to influence local legislative or administrative action that t
may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5
to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple
contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/,
(415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

30
3
9/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 9, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Patty Wilson, substituting for Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

DOCUMENTS DEPT.
JUN 15 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from Terry J. Mollica, attorney for Barbara Johnson and Elizabeth Nanz, appellants, requesting rehearing of Appeal No. 99-033, 3981-83 - 25th Street. Hearing May 12, 1999. Upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit based on the written submittals.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **June 16, 1999**.

SPEAKER: Terry Mollica, attorney for appellants.

ITEM B: Letter from James McKenna and Michael Smith, appellants, requesting rehearing of Appe No. 99-041, 4250-52 - 24th Street. Hearing May 12, 1999. Upon motion by President McInerney, th Board voted 3-2 (Commissioner Cullum and Saunders dissented) to **UPHOLD** the department an **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (Preside McInerney, Vice President Chin, Commissioner El Qadah dissented) to grant rehearin Four votes are needed and the motion failed. The request is **DENIED**.

SPEAKERS: Michael Smith, appellant; Steven Vettel, attorney for permit holder; and Robe Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-207

PACT, INC., Appellant
(4) vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrat
[dated November 23, 1998 that the leg
[use of the property at 635 Divisade
[Street is two-family residential and that t
[NC-2 zoning of the property allows offi
[use on the first floor as a princip
[permitted use, on the second floor as
[conditional use, and that office use is n
[permitted on the third floor at tall; appella
[requests permission to file conditional u
[application for use of the entire building
[office use.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **CONTINUE** the matter **September 22, 1999.**

SPEAKER: The Executive Secretary reported on Charlene Folsom's illness and request to contin appeal.

APPEAL NO. 99-005

PETER & TERRI SKOV, Appellant
(5) vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated December 30, 1998
[requesting that the side yard of the build g
[at 527-531 Broderick Street be reopened o
[the residents for the front dwelling unit n
[order to abate violation of Planning Code
[Section 135 requiring usable open space
[for dwellings in RM-1 zoning districts.
[PUBLIC HEARING CLOSED.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's determination as modified. The gate is to be moved 23.4 feet to the west of its present location. On Ms. Daly's plan, items 3, 4, 5, 6, 9, and 10 are deemed not open space, and items 7, 8, and 11 are deemed open space by the Zoning Administrator.

this time, members of the public may address the Board on items of interest to

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 9, 1999 (cont'd.)

SPEAKER: Robert Passmore, Zoning Administrator for the Planning Department.

APPEAL NO. 98-153

(6)
JOTE KEJELA, dba "TAXI TAXI", Appellant
vs.
POLICE COMMISSION, Respondent

[Revocation on August 6, 1998, of taxicab
[medallion No. 789.
[RESOLUTION NO. 67-98
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department and change the revocation to a 90-day suspension with the **CONDITION** that the appellant document his disability to the Police, or if he is no longer disabled, document that he can now meet the requirements of a permittee.

SPEAKERS: Gregory Gilchrist, attorney for appellant; Margaret Baumgartner, Deputy City Attorney; Sergeants Mike Sullivan and Ben Simpson, S.F.P.D.; Ron Walter, UTW, Nathan Dwiri, Yellow Cab, and Ralph Jacobson, in support of the department; and Jote Kejela, appellant.

The Board recessed from 7:41 to 7:56 p.m.

APPEAL NO. 99-035

(7)
VICTOR TWAL, dba "BUDDIES", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998, of permit to
[Alter a Building (legalize 3' x 4' x 12' 6"
[awning and sign installed without permit) at
[498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **CONTINUE** the matter to **August 4, 1999.**

SPEAKER: The Executive Secretary reported that the appellant has asked for a continuance.

APPEAL NO. 99-029

(8)
JEANNINE N. BERMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 2, 1999, to
[David T. Lumbard, permit to Alter a
[Building (frame 2x4 firewall consisting of
[two layers of sheetrock and siding; legalize
[rear deck) at 2556 Pine Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Jeannine Berman, appellant; Jeremy Paul, agent for permit holder; Steven Feuling, in support of permit holder; and David Lumbard, permit holder.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 9, 1999 (cont'd.)

APPEAL NO. 99-043

RUSSELL & MARGARET GARVIN, Appellants
(9) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on February 12, 199
[to Steven Worthington, permit to Alter
[Building (auto runway with new cub c
[without new paving in right-of-way; ne
[4'6" high metal fence; gate and concre
[curb wall) at 237 Grattan Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the curb c and driveway be deleted.

SPEAKERS: James Lazarus, attorney for appellants; Steven Worthington and Dorthy Pautz, pern holders; Margaret Garvin, appellant; Robert Passmore, Zoning Administrator for t Planning Department; Judith Boyajian, Deputy City Attorney; and Rafael Torres-G Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 99-056

GLORIA LOGGINS & ROBERT FISHER, SR., Appellants
(10) vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 7, 199,
[Theresa Helton, permit to Alter a Buildi
[(add new room and bathroom) at 15
[Underwood Avenue.
[APPLICATION NO. 9900162.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the per holder shall transmit a full-sized set of the approved final plans to the appella Commissioner Saunders recommended that the permit holder invite the appellant to house to see the progress of the project.

SPEAKERS: Gloria Loggins and Robert Fisher, appellants; Darryl Bishop, contractor for permit hold Theresa Helton, permit holder; and Rafael Torres-Gil, Senior Building Inspector for Department of Building Inspection.

APPEAL NO. V99-016

YU LAN FONG YEUNG, Appellant
(11) vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 4, 1999, of Off-Str
[Parking Variance (to retain fourth dwel
[unit constructed on the ground floor of
[existing three story, three unit buil
[without permit which eliminated one of
[existing required off-street parking spa
[and fails to provide a fourth off-st
[parking space for the ground floor unit
[234 – 26th Avenue.
[VARIANCE CASE NO. 98.997V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **July 21, 1999** to allow time for appellant to seek a solution.

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Ahmad Larizadeh, agent for appellant; Nancy Wah, in support of appellant; Judith Boyajian, Deputy City Attorney; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

APPEAL NO. 99-057

(12)
RON & ANNETTE ZEFF, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator [dated April 21, 1999 that Planning Code [Section 261 prohibits the raising of the [roofline of the penthouse at 2563 [Divisadero Street since the existing [penthouse already exceed the 35-foot [height limit in the RH-1(D) district; Section [305 precludes the Zoning Administrator [from granting a variance which would [permit any height not expressly permitted [by the Planning Code for the district in [which located.
[VARIANCE APPLICATION NO. 99.049V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **OVERRULE** the Zoning Administrator with findings by Jeremy Paul, agent for appellants as amended by the Board (item 2 deleted).

SPEAKERS: Robert Passmore, Zoning Administrator for the Planning Department; Jeremy Paul, agent for appellants; and Stephen Wilrich, architect for appellants.

There being no further business, President McInerney adjourned the meeting at 9:39 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 16, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
JUN 11 1999
SAN FRANCISCO
PUBLIC LIBRARY
06-11-99P12:21 RCVD

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

Items (3A, (3B), (3C), (3D) shall be heard together

(3A) **APPEAL NO. 99-064**

JOHN O'DELL, Appellant
vs.
DEPT, BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[(three stories, two dwelling units) at 296
[Grand View Avenue.
[APPLICATION NO. 9900720S.
[FOR HEARING TODAY.

(3B) **APPEAL NO. 99-065**

JOHN O'DELL, Appellant
vs.
DEPT, BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[(three stories, two dwelling units) at 292
[Grand View Avenue.
[APPLICATION NO. 9900724S.
[FOR HEARING TODAY.

(3C) **APPEAL NO. 99-071**

JOHN & CATHERINE DeCOCK & GILES HALL,
Appellants
vs.
DEPT, BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[three stories, two dwelling units) at 296
[Grand View Avenue.
[APPLICATION NO. 9900720S.
[FOR HEARING TODAY.

(3D) **APPEAL NO. 99-072**

JOHN & CATHERINE DeCOCK & GILES HALL,
Appellants
vs.
DEPT, BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[(three stories, two dwelling units) at 292
[Grand View Avenue.
[APPLICATION NO. 990724S.
[FOR HEARING TODAY.

(4) **APPEAL NO. 99-033**

BARBARA JOHNSON & ELIZABETH NANZ,
Appellants
vs.
DEPT, BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 2, 1999, [to Tony Leung, permit to Alter a Building [(raise roof at rear portion; replace rotten [enclosure under roof deck and relocate [rear stairs; minor interior alteration [including adding bathrooms; new roof [and skylights; comply with notices of [violation) at 3981-83 – 25th Street
. [APPLICATION NO. 9903947.
[FOR REHEARING TODAY.

(5) **APPEAL NO. 99-039**

WILLIAM YEE, dba “AMUSEMENT CENTER”,
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on March 9, 1999, of billiard [parlor and mechanical amusement [device permits at 447 Broadway Street.
[FOR HEARING TODAY.

Items (6A), (6B), (6C), (6D), (6E), (6F) shall be heard together

(6A) **APPEAL NO. 99-061**

LUCIA BOGATAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to [James Nunemacher and Mike Cassidy, [permit to Erect a Building (four stories, [two dwelling units) at 148 Lower [Terrace.
[APPLICATION NO. 9812439S.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 99-062**

LUCIA BOGATAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to [James Nunemacher and Mike Cassidy, [permit to Demolish a Building single [family dwelling) at 150 Lower Terrace.
[APPLICATION NO. 9812440.
[FOR HEARING TODAY.

(6C) **APPEAL NO. 99-063**

LUCIA BOGATAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to [James Nunemacher and Mike Cassidy, [permit to Erect a Building (four stories, [two dwelling units) at 156 Lower [Terrace.
[APPLICATION NO. 9812438S.
[FOR HEARING TODAY.

(6D) **APPEAL NO. 99-066**

EVAN TERZULLI, Appellant
Vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to [James Nunemacher and Mike Cassidy, [permit to Demolish a Building (single [family dwelling) at 150 Lower Terrace.
[APPLICATION NO. 9812440.
[FOR HEARING TODAY.

(6E) **APPEAL NO. 99-067**

EVAN TERZULLI, Appellant
Vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Erect a Building (four stories,
[two dwelling units) at 148 Lower
[Terrace.
[APPLICATION NO. 9812439S.
[FOR HEARING TODAY.

(6F) **APPEAL NO. 99-068**

EVAN TERZULLI, Appellant
Vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Erect a Building (four stories,
[two dwelling units) at 156 Lower
[Terrace.
[APPLICATION NO. 9812438S.
[FOR HEARING TODAY.

Date posted: June 10, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for the presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boar should be addressed to John E. McInerney, III, President, and be received at the Board office, 166 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the schedule public hearing. Persons unable to attend the scheduled public hearing may submit written commen regarding a calendared item to the Board office. Comments received before noon on the day of th hearing will be made a part of the official record and will be brought to the attention of the Board the public hearing. For complete distribution to all Commissioners of the Board, necessary staff ar case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance development permit, you may be limited to raising only those issues you or someone else raised the public hearing described in this notice, or in written correspondence delivered to the Board Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or a taken out of order to accommodate special needs. The Board urges all parties to be present in th hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant publ hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may b filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marke Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Pol Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people an that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Tas Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marke Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Po Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people ar that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

/99

WEDNESDAY, JUNE 16, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Vice President Arnold Chin.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Mark Gruberg made remarks regarding compliance with Proposition K, driving requirements and expressed his disappointment with the Board's decision in the Jote Kejela matter.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President McInerney and Commissioner Cullum commended the Executive Secretary on doing a good job for the Board.

DOCUMENTS DEPT.

JUL 0 9 1999

SAN FRANCISCO

Items (3A, (3B), (3C), (3D) were heard together

(3A) **APPEAL NO. 99-064**

JOHN O'DELL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[(three stories, two dwelling units) at 296
[Grand View Avenue.
[APPLICATION NO. 9900720S.
[FOR HEARING TODAY.

(3B) **APPEAL NO. 99-065**

JOHN O'DELL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[(three stories, two dwelling units) at 292
[Grand View Avenue.
[APPLICATION NO. 9900724S.
[FOR HEARING TODAY.

(3C) **APPEAL NO. 99-071**

JOHN & CATHERINE DeCOCK & GILES HALL,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[three stories, two dwelling units) at 296
[Grand View Avenue.
[APPLICATION NO. 9900720S.
[FOR HEARING TODAY.

(3D) **APPEAL NO. 99-072**

JOHN & CATHERINE DeCOCK & GILES HALL,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[Paul Chow, permit to Erect a Building
[(three stories, two dwelling units) at 292
[Grand View Avenue.
[APPLICATION NO. 9900724S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 **UPHOLD** the department and **GRANT** the permits with the **CONDITION** the perr holder work with the Zoning Administrator to calculate the minimum curb requirements and garage door widths.

SPEAKERS: Daniel McLaughlin, representing John O'Dell, appellant; John DeCock, Giles H appellants; Robert Passmore, Zoning Administrator for the Planning Departme Jeremy Paul, agent for permit holder; Harold Bourque, in support of appellan Laurence Kornfield, Chief Building Inspector for the Department of Building Inspectic Jimmy Jen, engineer for permit holder.

(4) **APPEAL NO. 99-033**

BARBARA JOHNSON & ELIZABETH NANZ,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 2, 1999,
[to Tony Leung, permit to Alter a Building
[(raise roof at rear portion; replace rotten
[enclosure under roof deck and relocate
[rear stairs; minor interior alteration
[including adding bathrooms; new roof
[and skylights; comply with notices of
[violation) at 3981-83 – 25th Street
[APPLICATION NO. 9903947.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: None. Appellants' attorney reported by phone that appellants and permit holder had reached an agreement.

The Board recessed from 6:48 to 7:04 p.m.

(5) **APPEAL NO. 99-039**

WILLIAM YEE, dba "AMUSEMENT CENTER",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on March 9, 1999, of billiard
[parlor and mechanical amusement
[device permits at 447 Broadway Street.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by Sidney Luscutoff, attorney for appellant.

Items (6A), (6B), (6C), (6D), (6E), (6F) were heard together

(6A) **APPEAL NO. 99-061**

LUCIA BOGATAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Erect a Building (four stories,
[two dwelling units) at 148 Lower
[Terrace.
[APPLICATION NO. 9812439S.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 16, 1999 (cont'd.)

(6B) **APPEAL NO. 99-062**

LUCIA BOGATAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Demolish a Building single
[family dwelling) at 150 Lower Terrace.
[APPLICATION NO. 9812440.
[FOR HEARING TODAY.

(6C) **APPEAL NO. 99-063**

LUCIA BOGATAY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Erect a Building (four stories,
[two dwelling units) at 156 Lower
[Terrace.
[APPLICATION NO. 9812438S.
[FOR HEARING TODAY.

(6D) **APPEAL NO. 99-066**

EVAN TERZULLI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Demolish a Building (single
[family dwelling) at 150 Lower Terrace.
[APPLICATION NO. 9812440.
[FOR HEARING TODAY.

(6E) **APPEAL NO. 99-067**

EVAN TERZULLI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Erect a Building (four stories,
[two dwelling units) at 148 Lower
[Terrace.
[APPLICATION NO. 9812439S.
[FOR HEARING TODAY.

(6F) **APPEAL NO. 99-068**

EVAN TERZULLI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on April 22, 1999, to
[James Nunemacher and Mike Cassidy,
[permit to Erect a Building (four stories,
[two dwelling units) at 156 Lower
[Terrace.
[APPLICATION NO. 9812438S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (Vice President McInerney and Commissioner El Qadah dissented) to continue the matter to a later date. Three votes are needed and the motion failed. Then upon motion by President McInerney, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permits.

SPEAKERS: Lucia Bogatay and Evan Terzulli, appellants; Alicia Bogatay and John Willis in support of appellants; Robert Passmore, Zoning Administrator for the Planning Department; John Sanger, attorney for permit holder; Tom Bonomi, Fred Ross, Frank Fredericks in support of the departments

There being no further business, President McInerney adjourned the meeting at 8:16 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 362-4440.

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

DOCUMENTS DEPT.
JUN 25 1999
SAN FRANCISCO
PUBLIC LIBRARY

WEDNESDAY, JUNE 30, 1999

/99

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** Letter from Peter Sutherland, appellant, requesting rehearing of Appeal No. 99-037, 633 Hampshire Street. Hearing May 19, 1999. Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunders absent) to **RECUSE** President McInerney, who left the dais. Then after discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (Vice President Chin and Commissioner El Qadah dissented) to continue the matter to June 2, 1999. Three votes are needed and the motion failed. Then upon motion by Commissioner El Qadah, the Board voted 2-2 (Commissioners Cullum and Saunders dissented) to **UPHOLD** the department and **GRANT** the permit.

(4) **APPEAL NO. 98-202**

HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3, 1998, of
[Street Artist Certification for framed
[compositions of butterflies and insects.
[FOR REHEARING TODAY.

(5) **APPEAL NO. 99-075**

PETER KOEHLER, dba "P & S TOWING", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Admonishment on April 26, 1999 for
[failure to run out of state plate through
[DMV; failure to allow SFPD officer to
[seize and store vehicle as allowed
[under 22655.59(b) CVC; failure to
[consider the welfare of the victim; failure
[to take oversight for the actions of the
[agent in lien sales at 359 Potrero
[Avenue.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai-Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(6B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to [Wai Ming Luk, permit to Alter a Building [(remove interior walls to convert two unit [building to single family dwelling) at [3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

(7) **APPEAL NO. 99-082**

GEORGE HOFFBERG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 1, 1999, of permit to [Alter a Building (comply with Notice of [Violation; combine units 1133 East and [West into one unit; removal of [nonstructural infill wall; convert one [uninhabited unit into hobby room; [remove gas lines and outlets) at 1111-[1133 Green Street.
[APPLICATION NO. 9812079.
[FOR HEARING TODAY.

Items (8A), (8B) and (8C) shall be heard together

(8A) **APPEAL NO. 99-055**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998, [to George Hoffberg, permit to Alter a [Building (split into two buildings; new fire [walls and other code upgrades as [required per meeting and letter dated [January 22, 1996) at 1111-1133 Green [Street.
[APPLICATION NO. 9802162.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 99-056**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998, [to George Hoffberg, permit to Alter a [Building (split existing building on one [lot into two buildings on two lots; new [fire walls) at 1111-1133 Green Street.
[APPLICATION NO. 9802163.
[FOR HEARING TODAY.

(8C) **APPEAL NO. 99-091**

CATHERINE L. SCHLAFLY & ROBERT C. COPELAND, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11, 1998, to [George Hoffberg, permit to Alter a [Building (remove illegal unit) at 1133 [Green Street.
[APPLICATION NO. 9808434.
[FOR HEARING TODAY.

(9)

APPEAL NO. 99-073

FRANK DAIJO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on April 22, 1999, to
[Hugh Villavicencio, permit to Alter a
[Building (replace kitchen cabinets, sink,
[countertops, linoleum floor, window;
[replace bathroom tub, sink, cabinets,
[tile floor, repaint and repair floors) at
[470 – 25th Avenue.
[APPLICATION NO. 9907772.
[FOR HEARING TODAY.

(10)

APPEAL NO. 99-079

MICHELE TANENBAUM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 5, 1999, to
[Angela Kerwin, permit to Alter a Building
[(add portion of rear lower unit to upper
[rear unit; install spiral stair; install
[window in a new opening; infill two
[existing doors; install smoke detectors)
[at 1918 Webster Street.
[APPLICATION NO. 9908832.
[FOR HEARING TODAY.

Date posted: June 24, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for the presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boar should be addressed to John E. McInerney, III, President, and be received at the Board office, 166 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the schedule public hearing. Persons unable to attend the scheduled public hearing may submit written comment regarding a calendared item to the Board office. Comments received before noon on the day of th hearing will be made a part of the official record and will be brought to the attention of the Board the public hearing. For complete distribution to all Commissioners of the Board, necessary staff an case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance development permit, you may be limited to raising only those issues you or someone else raised the public hearing described in this notice, or in written correspondence delivered to the Board Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or ar taken out of order to accommodate special needs. The Board urges all parties to be present in th hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant publ hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Po Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people ar that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Tas Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

0/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 30, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Robert Passmore, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: President John McInerney.

Helen Chin, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Vice President Chin said he felt proud that James Hormel had been sworn in as ambassador to Luxembourg. He thanked Robert Passmore for his work as Zoning Administrator and Helen Chin for her work as court reporter for the year.

Robert Passmore acknowledged the Board's thanks.

Helen Chin also acknowledged the Board's thanks.

DOCUMENTS DEPT.
JUL 0 9 1999
SAN FRANCISCO
PUBLIC LIBRARY

to assist the City's efforts to accommodate such people,

(3) **REQUEST FOR REHEARING:** Letter from Peter Sutherland, appellant, requesting rehearing Appeal No. 99-037, 633 Hampshire Street. Hearing May 19, 1999. Upon motion by Vice President Chi the Board voted 4-0 (Commissioner Saunders absent) to **RECUSE** President McInerney, who left th dais. Then after discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (Vice Preside Chin and Commissioner El Qadah dissented) to continue the matter to June 2, 1999. Three votes a needed and the motion failed. Then upon motion by Commissioner El Qadah, the Board voted 2- (Commissioners Cullum and Saunders dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **DEN** the request for rehearing.

SPEAKERS: Peter Sutherland, appellant; James Reuben, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

(4) **APPEAL NO. 98-202**

HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3, 1998, of
[Street Artist Certification for framed
[compositions of butterflies and insects.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **RESCHEDULE** t rehearing for **July 7, 1999**, when all five members are to be present.

SPEAKERS: Rich Neuwirth, Director of the Art Commission; Howard Lazar, Street Artists Progra Director for the Art Commission; and Harold Brennan, appellant.

(5) **APPEAL NO. 99-075**

PETER KOEHLER, dba "P & S TOWING", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Admonishment on April 26, 1999 for
[failure to run out of state plate through
[DMV; failure to allow SFPD officer to
[seize and store vehicle as allowed
[under 22655.59(b) CVC; failure to
[consider the welfare of the victim; failure
[to take oversight for the actions of the
[agent in lien sales at 359 Potrero
[Avenue.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (V President Chin and Commissioner El Qadah dissented) to overrule the department set aside the admonishment. Four votes are needed and the motion failed. admonishment is **UPHELD**.

SPEAKERS: William McLauglin, attorney for appellant; John Henderson, witness for Police Department; and Sergeant William Coggan, attorney and Inspector Richard Van Koll, for Police Department.

Items (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai-Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(6B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: Further hearing **RESCHEDULED** prior to hearing to July 14, 1999 at request of appellant and agreement of permit holder.

SPEAKERS: None.

The Board recessed from 7:12 to 7:25 p.m.

(7) **APPEAL NO. 99-082**

GEORGE HOFFBERG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 1, 1999, of permit to
[Alter a Building (comply with Notice of
[Violation; combine units 1133 East and
[West into one unit; removal of
[nonstructural infill wall; convert one
[uninhabited unit into hobby room;
[remove gas lines and outlets) at 1111-
[1133 Green Street.
[APPLICATION NO. 9812079.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 t **OVERRULE** the department and **GRANT** the permit with the **CONDITION** that the plan must comply with the Building Code.

SPEAKERS: Yuri Won, attorney for appellant; George Hoffberg, appellant; Robert Copeland, Pa Calstrom and Mark Middleton, in support of the department; Robert Passmore, Zonin Administrator and David Lindsay, Planner for the Planning Department; Laurenc Kornfield, Chief Building Inspector for the Department of Building Inspection; and Judit Boyajian, Deputy City Attorney.

Items (8A), (8B) and (8C) shall be heard together

(8A) **APPEAL NO. 98-055**

TUDOR HILL TENANTS ASSN., Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on March 24, 1998, [to George Hoffberg, permit to Alter a [Building (split into two buildings; new fire [walls and other code upgrades as [required per meeting and letter dated [January 22, 1996) at 1111-1133 Green [Street. [APPLICATION NO. 9802162. [FOR HEARING TODAY.

(8B) **APPEAL NO. 98-056**

TUDOR HILL TENANTS ASSN., Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on March 24, 1998, [to George Hoffberg, permit to Alter a [Building (split existing building on one [lot into two buildings on two lots; new [fire walls) at 1111-1133 Green Street. [APPLICATION NO. 9802163. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 **CONTINUE** the matters to **September 15, 1999.**

SPEAKERS: None.

(8C) **APPEAL NO. 98-091**

CATHERINE L. SCHLAFLY & ROBERT C.
COPELAND, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 11, 1998, to
[George Hoffberg, permit to Alter a
[Building (remove illegal unit) at 1133
[Green Street.
[APPLICATION NO. 9808434.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department and **DENY** the permit.

SPEAKERS: George Copeland, appellant; and George Hoffberg, permit holder.

(9) **APPEAL NO. 99-073**

FRANK DAIJO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on April 22, 1999, to
[Hugh Villavicencio, permit to Alter a
[Building (replace kitchen cabinets, sink,
[countertops, linoleum floor, window;
[replace bathroom tub, sink, cabinets,
[tile floor, repaint and repair floors) at
[470 – 25th Avenue.
[APPLICATION NO. 9907772.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **July 14, 1999** prior to hearing at request of permit holder.

(10) **APPEAL NO. 99-079**

MICHELE TANENBAUM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 5, 1999, to
[Angela Kerwin, permit to Alter a Building
[(add portion of rear lower unit to upper
[rear unit; install spiral stair; install
[window in a new opening; infill two
[existing doors; install smoke detectors)
[at 1918 Webster Street.
[APPLICATION NO. 9908832.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **RESCHEDULE** the matter to **July 14, 1999**.

SPEAKERS: Randall Shaw, attorney for appellant; and Malcolm McLorg, attorney for permit holder.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 30, 1999 (cont'd.)

There being no further business, President McInerney adjourned the meeting at 8:05 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Helen Chin, the Official Court Reporter, (415) 36
4440.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

DOCUMENTS DEPT.
JUL 3 - 1999
SAN FRANCISCO
PUBLIC LIBRARY
07-03-99P01:36 RCVD

WEDNESDAY, JULY 7, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from the Haight Ashbury Residents Taskforce requesting that the Board take jurisdiction over permit number 99PT-001 issued to JCDecaux San Francisco, Inc. to install an automatic public toilet at the NE corner of Haight and Cole and Streets.

Date issued	April 28, 1999
Last day to appeal	May 12, 1999
Request for jurisdiction	July 22, 1999

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM B: Letter from Robert Passmore, Zoning Administrator for the Planning Department requesting that the Board take jurisdiction over a request for rehearing for Appeal No. 99-005, 527-531 Broderick Street. Hearing June 9, 1999. Upon motion by Commissioner El Qadah, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's determination as modified. The gate is to be moved 23.4 feet to the west of its present location. On Ms. Daly's plan, items 3, 4, 5, 6, 9 and 10 are deemed not open space, and items 7, 8, and 11 are deemed open space by the Zoning Administrator.

Last day to request rehearing	June 21, 1999
Date decision released	June 22, 1999
Request for jurisdiction	June 25, 1999

(4) **APPEAL NO. 98-202**

HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3, 1998, of
[Street Artist Certification for framed
[compositions of butterflies and insects.
[FOR REHEARING TODAY.

(5) **APPEAL NO. V99-031**

PETER A. MASTROMONACO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March 2, 1999, of
[Minimum Lot Area and Lot Width
[Variances (subdivide an existing lot into
[two separate parcels) to Jess Centeno,
[for property at 2479 Diamond Street.
[VARIANCE CASE NO. 98.140V.
[FOR REHEARING TODAY.

(6) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

(A) **APPEAL NO. 98-081**

TON-YUN C. FANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on June 2, 1999,
[for work done at 4337-39 – 18th Street.
[APPLICATION NO. 9908721.
[FOR HEARING TODAY.

(B) **APPEAL NO. 99-091**

ALEXANDER MORTAZAVI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on June 17, 1999,
[for work done at 2032 Union Street.
[APPLICATION NO. 9910801.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-051**

HOC NGUYEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Request dated March 29, 1999 for
[suspension of Building Permit Appli-
[cation No. 9902213 issued February 2,
[1999 for installation of 22 windows on
[the north and west of the building at 700
[Great Highway, for reason the replace-
[windows do not comply with the Design
[Guidelines for Ocean Beach Parcel 3
[approved as part of 87.081CPCP,
[Motion No. 11278 of the Planning
[Commission.
[FOR HEARING TODAY.

Date posted: July 1, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

HELEN CHIN - OFFICIAL COURT REPORTER 362-4440

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessib services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Po Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people ar that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53) to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 7, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum and Allam El Qadah.

Jim Nixon, Planner for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Commissioner Sabrina Saunders.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

SPEAKERS: None.

DOCUMENTS DEPT.
JUL 0 9 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from the Haight Ashbury Residents Taskforce (HART) requesting that the Board ta jurisdiction over permit number 99PT-001 issued to JCDecaux San Francisco, Inc. to install an automa public toilet at the NE corner of Haight and Cole Streets.

Date issued	April 28, 1999
Last day to appeal	May 12, 1999
Request for jurisdiction	July 22, 1999

ACTION: After discussion, upon motion by President McInerney, the Board voted 4-0 to **GRAN** jurisdiction. The requestor has 15 days to file an appeal.

SPEAKERS: Linda Dunn, HART; and Jacob Szeto, Department of Public Works.

REQUEST FOR JURISDICTION BEYOND TEN-DAY APPEAL PERIOD:

ITEM B: Letter from Robert Passmore, Zoning Administrator for the Planning Department requesting th the Board take jurisdiction over a request for rehearing for Appeal No. 99-005, 527-531 Broderick Stre Hearing June 9, 1999. Upon motion by Commissioner El Qadah, the Board voted 5-0 to **UPHOLD** t Zoning Administrator's determination as modified. The gate is to be moved 23.4 feet to the west of present location. On Ms. Daly's plan, items 3, 4, 5, 6, 9 and 10 are deemed not open space, and items 8, and 11 are deemed open space by the Zoning Administrator.

Last day to request rehearing	June 21, 1999
Date decision released	June 22, 1999
Request for jurisdiction	June 25, 1999

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-2 (Preside McInerney and Vice President Chin dissented) to grant jurisdiction. Four votes a needed and the motion failed. The request is **DENIED**.

SPEAKERS: Jim Nixon, Planner for the Planning Department; and Luanne Daly, in support of t Zoning Administrator.

(4) **APPEAL NO. 98-202**

HARROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3, 1998, of
[Street Artist Certification for framed
[compositions of butterflies and insects.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **RESCHEDULE** the matter to **August 4, 1999** at the request of the Art Commission.

SPEAKERS: None.

(5)

APPEAL NO. V99-031

PETER A. MASTROMONACO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on March 2, 1999, of
[Minimum Lot Area and Lot Width
[Variances (subdivide an existing lot into
[two separate parcels) to Jess Centeno,
[for property at 2479 Diamond Street.
[VARIANCE CASE NO. 98.140V.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 to **OVERRULE** the Zoning Administrator and **DENY** the variance.

SPEAKERS: Jim Nixon, Planner for the Planning Department; Peter Mastromonaco, appellant; and Jess Centeno, variance holder.

(6) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee for Item 6A as provided for in the Building Code. Without consent the Board took testimony for Item 6B and decided the appeal individually.

(A)

APPEAL NO. 99-081

TON-YUN C. FANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on June 2, 1999,
[for work done at 4337-39 – 18th Street.
[APPLICATION NO. 9908721.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 to **OVERRULE** the department with the **CONDTION** that the penalty be reduced to two times the regular fee of $215.80 for a total of $431.60.

SPEAKERS: The appellant was present but did not speak.

(B)

APPEAL NO. 99-091

ALEXANDER MORTAZAVI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Imposition of Penalty on June 17, 1999,
[for work done at 2032 Union Street.
[APPLICATION NO. 9910801.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 3- (Commissioner Cullum dissented) to overrule the department with the condition that th penalty be reduced to five times the regular fee of $105.02 for a total of $525.10. Fou votes are needed and the motion failed. Then upon motion by Commissioner Cullum the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that th penalty be reduced to six times the regular fee of $105.02 for a total of $630.12.

SPEAKERS: Alexander Mortazavi, appellant; and Laurence Kornfield, Chief Building Inspector for th Department of Building Inspection.

(7) **APPEAL NO. 99-051**

HOC NGUYEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Request dated March 29, 1999 for
[suspension of Building Permit Appli-
[cation No. 9902213 issued February 2,
[1999 for installation of 22 windows on
[the north and west of the building at 700
[Great Highway, for reason the replace-
[ment windows do not comply with the
[Design Guidelines for Ocean Beach
[Parcel 3 approved as part of
[87.081CPCP, Motion No. 11278 of the
[Planning Commission.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 **CONTINUE** the matter to **September 15, 1999** and close the public hearing.

SPEAKERS: Jeremy Paul, agent for appellant; T. Nguyen, appellant's wife; Jim Nixon, Planner for t Planning Department; and Laurence Kornfield, Chief Building Inspector for t Department of Building Inspection.

There being no further business, President McInerney adjourned the meeting at 7:24 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (4) 362-5991.

0

4/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY. JULY 14. 1999

5:30 P.M.. CITY HALL. ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

1) **PUBLIC COMMENT**: At this time. members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the. Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes. the President may continue Public Comment to another time during the meeting.

2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

3) **APPEAL NO. 99-092**

JENNY TSENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 3, 1999, to
[Dave Alvarado, permit to Alter a Build-
[ing (replace deteriorated roof deck) at
[81 Pleasant Street.
[APPLICATION NO. 9825369.
[FOR HEARING TODAY.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION. Respondent

[Protesting issuance on March 11, 1998,
[to Wai-Ming Luk. permit to Alter a
[Building (upgrade electrical wiring,
[replace window. install skylight, remodel
[kitchen. insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA. et al.. Appellants
vs.
DEPT. BUILDING INSPECTION. Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

5) **APPEAL NO. 99-089**

SHUI KAU & MARY YEE. Appellants
vs.
DEPT. PUBLIC WORKS. Respondent

[Denial on May 24. 1999. of permit to
[Remove One Tree Without Replace-
[ment at 582 – 3rd Avenue.
[ORDER NO. 171.716.
[FOR HEARING TODAY

DOCUMENTS DEPT.
JUL 0 9 1999
SAN FRANCISCO
PUBLIC LIBRARY

07-09-99A11:19 RCVD

Item (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Demolish a Building at 407 Connecticut
[Street.
[APPLICATION NO. 9715365.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Erect a Building (two dwelling units) at
[407 Connecticut Street.
[APPLICATION NO. 9715364.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-085**

MARK BORSUK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on May 24, 1999, of permit to
[Alter a Building (new deck, window and
[firewall) at 1626 Vallejo Street.
[APPLICATION NO. 9810583.
[FOR HEARING TODAY.

(8) **APPEAL NO. 98-212**

RAINER F. & BEATRICE W. BALDAUF, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 25,
[1998, to Deleys Brandman, permit to
[Alter a Building (provide as-built draw-
[ings showing change in number of
[windows; change in walkway and
[deletion of exterior door; objection to
[vent on kitchen wall) at 38 West Clay
[Street.
[APPLICATION NO. 9824371.
[FOR HEARING TODAY

(9) **APPEAL NO. 99-079**

MICHELE TANENBAUM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 5, 1999, to
[Angela Kerwin, permit to Alter a Building
[(add portion of rear lower unit to upper
[rear unit; install spiral stair; install
[window in a new opening; infill two
[existing doors; install smoke detectors)
[at 1918 Webster Street.
[APPLICATION NO. 9908832.
[FOR HEARING TODAY

(10) **APPEAL NO. 99-088**

JOSEPH M. BREALL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26, 1999, to
[Jeanny Liu, permit to Alter Building
[(remove old fence, build new cement
[fence wall and wooden fence) at 726
[Kirkham Street.
[APPLICATION NO. 9910408.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

11) **APPEAL NO. 99-073**

FRANK DAIJO, Appellant
vs.
DEPT BUILDING INSPECTION, Respondent

[Protesting issuance on April 22, 1999, to
[Hugh Villavicencio, permit to Alter a
[Building (replace kitchen cabinets, sink,
[countertops, linoleum floor, window;
[replace bathroom tub, sink, cabinets,
[tile floor, repaint and repair floors) at
[470 – 25th Avenue.
[APPLICATION NO. 9907772.
[FOR HEARING TODAY.

Date posted: July 8, 1999

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

DOCUMENTS DEPT.
JUL 2 2 1999
SAN FRANCISCO
PUBLIC LIBRARY

WEDNESDAY, JULY 14, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

4/99

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Gerald Green, Director for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Elizabeth Boileau of PLAN; Peter Walbridge read a letter from Richard Millet; and Paul Minton, all in opposition to revised plans for Items 6A and 6B.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President McInerney reported that Venice, Italy uses poster notices similar to those we use for Planning Commission hearings.

Vice President Chin thought that Commissioners should be sent on junkets to learn about other countries boards of appeal.

(3) **APPEAL NO. 99-092**

JENNY TSENG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 3, 1999, to
[Dave Alvarado, permit to Alter a Build-
[ing (replace deteriorated roof deck) at
[81 Pleasant Street.
[APPLICATION NO. 9825369.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-1 (Vic President Chin dissented) to **UPHOLD** the department with **CONDITION** that plans w be revised to provide addition to fence up to six feet using alternative materials (glas brick or other opaque material) and the lower 12" of wall to be of solid material. Jerem Paul to confer with appellant and select agreed material within two weeks or decid himself thereafter if no agreement reached within two weeks.

SPEAKERS: Jeffrey Chang, attorney for appellant; Gerald Green, Director for Planning; Rafa Torres-Gil, Senior Building Inspector for the Department of Building Inspection; Jerem Paul, agent for permit holder; Curtis Davies and Catherine Buan Peterson, in support appellant; Michael McKeeman and Harline Hurst, in support of permit holder; and Dav Alvarado, permit holder.

The Board recessed from 7:23 to 7:40 p.m.

Items (4A) and (4B) were heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai-Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **August 18, 1999** prior to hearing at request of parties.

(5) **APPEAL NO. 99-089**

SHUI KAU & MARY YEE, Appellants vs. DEPT. PUBLIC WORKS, Respondent	[Denial on May 24, 1999, of permit to [Remove One Tree Without Replacement at 582 – 3rd Avenue. [ORDER NO. 171,716. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Chin, the Board voted 5- to **OVERRULE** the department and **GRANT** the permit with **CONDITIONS** agreed to prior to hearing by parties.

SPEAKERS: The parties were present but did not speak.

Item (6A) and (6B) were heard together

(6A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on July 15, 1998, of permit to [Demolish a Building at 407 Connecticut [Street. [APPLICATION NO. 9715365. [FOR HEARING TODAY.

(6B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on July 15, 1998, of permit to [Erect a Building (two dwelling units) at [407 Connecticut Street. [APPLICATION NO. 9715364. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **CONTINUE** the matter to **August 4, 1999** for the Planning Department to analyze the project under Section 311 for compliance with the Residential Design Guidelines and to allow Paul Minton to speak.

SPEAKERS: Andrew Zacks, attorney for appellants; Drake Gardner, designer for permit holder; and Gerald Green, Director for Planning Department.

(7) **APPEAL NO. 99-085**

MARK BORSUK, Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[Denial on May 24, 1999, of permit to [Alter a Building (new deck, window and [firewall) at 1626 Vallejo Street. [APPLICATION NO. 9810583. [FOR HEARING TODAY.

ACTION: **CONTINUED** to **CALL OF CHAIR** to determine whether a lot split had been granted.

SPEAKERS: Mark Borsuk, appellant; Gerald Green, Director for Planning; Keith Ryan, in support c appellant; Rafael Torres-Gil, Senior Building Inspector for the Department of Buildin Inspection; and Judith Boyajian, Deputy City Attorney.

(8) **APPEAL NO. 98-212**

RAINER F. & BEATRICE W. BALDAUF, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 25,
[1998, to Deleys Brandman, permit to
[Alter a Building (provide as-built draw-
[ings showing change in number of
[windows; change in walkway and
[deletion of exterior door; objection to
[vent on kitchen wall) at 38 West Clay
[Street.
[APPLICATION NO. 9824371.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Vi President Chin dissented) to **UPHOLD** the department and **GRANT** the permit wi **CONDITIONS**: Appellants pay 55% of necessary and reasonable costs of replacing t kitchen wall exhaust fan with a flue and roof fan system, up to a maximum of $5,500.

SPEAKERS: Alice Barkley, attorney for appellants; Hans Baldauf, appellants' son; Howard Wexle attorney for permit holder; Deleys Brandman, permit holder; Paul O'Neill, engineer f permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Buildi Inspection; Susan Lowenberg and Barbara Winkelstein, in support of appellants; Rain Baldauf, appellant; and Judith Boyajian, Deputy City Attorney.

The Board recessed from 9:44 to 9:52 p.m.

(9) **APPEAL NO. 99-079**

MICHELE TANENBAUM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 5, 1999, to
[Angela Kerwin, permit to Alter a Building
[(add portion of rear lower unit to upper
[rear unit; install spiral stair; install
[window in a new opening; infill two
[existing doors; install smoke detectors)
[at 1918 Webster Street.
[APPLICATION NO. 9908832.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 o **OVERRULE** the department and **DENY** the permit.

SPEAKERS: Randall Shaw, attorney for appellant; Michele Tanenbaum, appellant; Malcolm McLorg, attorney for permit holder; and Angela Kerwin, permit holder.

(10) **APPEAL NO. 99-088**

JOSEPH M. BREALL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26, 1999, to
[Jeanny Liu, permit to Alter Building
[(remove old fence, build new cement
[fence wall and wooden fence) at 726
[Kirkham Street.
[APPLICATION NO. 9910408.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **July 21, 1999** for the Commissioners to make a site visit.

SPEAKERS: Joseph Breall, appellant; Val Rabichev, engineer for appellant; Jeanny Liu, permit holder; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Gerald Green, Director for the Planning Department.

(11) **APPEAL NO. 99-073**

FRANK DAIJO, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on April 22, 1999, to
[Hugh Villavicencio, permit to Alter a
[Building (replace kitchen cabinets, sink,
[countertops, linoleum floor, window;
[replace bathroom tub, sink, cabinets,
[tile floor, repaint and repair floors) at
[470 – 25th Avenue.
[APPLICATION NO. 9907772.
[FOR HEARING TODAY.

ACTION: Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of a conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Raquel Fox, attorney for appellant; Frank Daijo, appellant; James Driscoll, attorney for tenants in Apt. 3 and Jo Chun, in support of appellant; Jeremy Paul, agent for permit holder; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

Vice President Chin left the room at 10:34 p.m. before testimony began.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 14, 1999 (cont'd.)

There being no further business, President McInerney adjourned the meeting at 10:59 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (41
362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 21, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

1/99

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

07-19-99A09:45 RCVD DOCUMENTS DEPT.
JUL 19 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 98-177**

3175 – 17th STREET LP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on September 29, 1998 of
[permit to Alter a Building (convert
[vacant warehouse to 12 live/work units)
[at 3175 – 17th Street.
[APPLICATION NO. 9803199S.
[FOR FURTHER HEARING TODAY.

(4) **APPEAL NO. 99-088**

JOSEPH M. BREALL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26, 1999, to
[Jeanny Liu, permit to Alter Building
[(remove old fence, build new cement
[fence wall and wooden fence) at 726
[Kirkham Street.
[APPLICATION NO. 9910408.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-094**

BLOSSOM L. JANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 25, 1999,
[to Kenneth P. Hong, permit to Erect a
[Building (two dwelling units on three
[stories) at 351 – 27th Avenue.
[APPLICATION NO. 9820414S.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-095**

RAYMOND HOWARD, MAX & ELIZABETH MEIR,
LILLIAN HAMBERIS, WILLIAM & NORITA VLACH,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 15, 1999,
[to Ronald Cheung and Edgar David
[Nolasco, permit to Alter a Building (one
[story vertical addition to existing
[building; relocate ground floor apartment
[to new third floor addition; sheetrock,
[framing, plumbing, electrical work) at
[1024 Irving Street.
[APPLICATION NO. 9816022S.
[FOR HEARING TODAY.

(7) **APPEAL NO. V99-016**

YU LAN FONG YEUNG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on February 4, 1999, of Off-
[Street Parking Variance (to retain fourth
[dwelling unit constructed on the ground
[floor of an existing three-story, three unit
[building without permit which eliminated
[one of the existing required off-street
[parking spaces and fails to provide a
[fourth off-street parking space for the
[ground floor unit) at 234 – 26th Avenue.
[VARIANCE CASE NO. 98.997V.
[FOR HEARING TODAY.

(8) **CLOSED SESSION**:

(A) Public Comment on all matters pertaining to the Closed Session.

(B) Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Goals/Objectives for Executive Secretary for Performance Management Program for FY 1999-2000.

(C) Board will reconvene in open session and vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b)).

Adjournment.

Date posted: July 15, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marke Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Pol Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people an that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Tas Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

DOCUMENTS DEPT.

JUL 2 8 1999

SAN FRANCISCO
PUBLIC LIBRARY

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 21, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Allam El Qadah and Sabrina Saunders.

Mary Gallagher, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Commissioner Carole Cullum.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: James Grand, Bartley Deamer, Andrew Wood, Brad Paul, Sue Hestor, all in opposition to revised plans for Item 3; and Denise Leadbetter, attorney for appellant; Adam Sparks, appellant; William Dietsch, designer, in support of Item 3.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President welcomed the new Zoning Administrator, Mary Gallagher and commented on the Board's difficulty with landlord-tenant cases.

(3) **APPEAL NO. 98-177**

3175 – 17th STREET LP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on September 29, 1998 of
[permit to Alter a Building (convert
[vacant warehouse to 12 live/work units)
[at 3175 – 17th Street.
[APPLICATION NO. 9803199S.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 4-0 to **UPHOL** the department and **DENY** the permit.

SPEAKERS: See Item 1(public hearing was held on February 17, 1999 and closed).

(4) **APPEAL NO. 99-088**

JOSEPH M. BREALL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26, 1999, to
[Jeanny Liu, permit to Alter Building
[(remove old fence, build new cement
[fence wall and wooden fence) at 726
[Kirkham Street.
[APPLICATION NO. 9910408.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 3-1 (Vi President Chin dissented) to **CONTINUE** the matter to **August 4, 1999** a site visit Planning and report by engineer.

SPEAKERS: Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspectio and Jeanny Liu, permit holder; Joseph Breall, appellant; Mary Gallagher, Zoni Administrator for the Planning Department.

(5) **APPEAL NO. 99-094**

BLOSSOM L. JANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 25, 1999,
[to Kenneth P. Hong, permit to Erect a
[Building (two dwelling units on three
[stories) at 351 – 27th Avenue.
[APPLICATION NO. 9820414S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0 to **UPHOLD** t department and **GRANT** the permit.

SPEAKERS: The appellant was not present and the permit holder was present but did not testify.

(6) **APPEAL NO. 99-095**

RAYMOND HOWARD, MAX & ELIZABETH MEIR, LILLIAN HAMBERIS, WILLIAM & NORITA VLACH, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on June 15, 1999, [to Ronald Cheung and Edgar David [Nolasco, permit to Alter a Building (one [story vertical addition to existing [building; relocate ground floor apartment [to new third floor addition; sheetrock, [framing, plumbing, electrical work) at [1024 Irving Street. [APPLICATION NO. 9816022S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Saunders, the Board voted 3-1 (Vice President Chin dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: William Vlach, appellant; Jeremy Paul, agent for permit holder; Edgar Nolasco, permit holder; and Judith Boyajian, Deputy City Attorney.

(7) **APPEAL NO. V99-016**

YU LAN FONG YEUNG, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Denial on February 4, 1999, of Off-[Street Parking Variance (to retain fourth [dwelling unit constructed on the ground [floor of an existing three-story, three unit [building without permit which eliminated [one of the existing required off-street [parking spaces and fails to provide a [fourth off-street parking space for the [ground floor unit) at 234 – 26th Avenue. [VARIANCE CASE NO. 98.997V. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance with the **CONDITIONS** that the stipulations of the Board of Permit Appeals under Appeal No. 7659 dated November 10, 1976 shall be amended to allow the partition to remain, the kitchen counter to be reduced in size, and sleeping to be allowed after the window is brought into compliance with the Building Code. The building remains a three-unit residential building.

SPEAKERS: The appellant was present but did not speak.

(8) **CLOSED SESSION**:

(A) Public Comment on all matters pertaining to the Closed Session.

(B) Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Goals/Objectives for Executive Secretary for Performance Management Program for FY 1999 2000.

(C) Board reconvened in open session and voted whether or not to disclose any or all discussions hel in closed session (S.F. Admin. Code Section 67.10(b)).

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 to **NOT DISCLOSE** discussions during closed session.

There being no further business, President McInerney adjourned the meeting at 7:42 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (41 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

F
30
2
4/99

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 4, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

07-30-99A10:59 RCVD

DOCUMENTS DEPT.
JUL 30 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 98-202**

HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3, 1998, of
[Street Artist Certification for framed
[compositions of butterflies and insects.
[FOR REHEARING TODAY.

(4) **APPEAL NO. 98-035**

VICTOR TWAL, dba "BUDDIES", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998, of permit
[to Alter a Building (legalize 3' x 4' x 12'
[6" awning and sign installed without
[permit) at 498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-097**

STEVEN WEISS, Appellant
vs.
DEPT. BUILDING INSEPCTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 19, 1999,
[to Ben Hom, permit to Erect a Building
[(four stories, retail/commercial/residential) at 3288 Steiner Street.
[APPLICATION NO. 9905371S.
[FOR HEARING TODAY.

Date posted: July 29, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catheri
Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader duri
the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat
disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orc
to assist the City's efforts to accommodate such people, attendees at public meetings are remind
that other attendees may be sensitive to various chemical based products. Please help the City
accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU
Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marl
Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessi
services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P
Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub
Commissions, boards, councils and other agencies of the City and County exist to conduct
people's business. This ordinance assures that deliberations are conducted before the people
that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci
Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T
Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individ
and entities that influence or attempt to influence local legislative or administrative action that
may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.
to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple
contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/,
(415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

/99

WEDNESDAY, AUGUST 4, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Gerald Green, Director for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT
AUG 1 2 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

The Board recessed from 5:50 to 5:58 p.m.

(3) **APPEAL NO. 98-202**

HAROLD F. BRENNAN, Appellant
vs.
ART COMMISSION, Respondent

[Disapproval on November 3, 1998, of
[Street Artist Certification for framed
[compositions of butterflies and insects.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioners Saunders, the Board voted 4-1 (Vic President Chin dissented) to **OVERRULE** the department and **GRANT** certification fo framed compositions of butterflies and insects.

SPEAKERS: Howard Lazar, Street Artist Program Director for Art Commission; Denise Roth an Dugald Stermer, Street Artist Advisory Committee; Jermey Paul, agent for appellant Walter Rosenthal, Alfonso Newton and David Morse, in support of appellant; Richar Newirth, Director of Cultural Affairs, in support of the department.

(4) **APPEAL NO. 99-088**

JOSEPH M. BREALL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26, 1999, to
[Jeanny Liu, permit to Alter Building
[(remove old fence, build new cement
[fence wall and wooden fence) at 726
[Kirkham Street.
[APPLICATION NO. 9910408.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 t **CONTINUE** the matter to **August 18, 1999** and **CLOSE** the public hearing.

SPEAKERS: Gerald Green, Director of Planning Department; Rafael Torres-Gil, Senior Buildin Inspector for the Department of Building Inspection; Joseph Breall, appellant; Ken Char attorney for permit holder; and Jeanny Liu, permit holder.

The Board recessed from 7:26 to 7:37 p.m.

(5) **APPEAL NO. 98-035**

VICTOR TWAL, dba "BUDDIES", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998, of permit
[to Alter a Building (legalize 3' x 4' x 12'
[6" awning and sign installed without
[permit) at 498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunder absent) to **CONTINUE** the matter to **October 20, 1999.**

(6) **APPEAL NO. 99-097**

STEVEN WEISS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 19, 1999,
[to Ben Hom, permit to Erect a Building
[(four stories, retail/commercial/residential) at 3288 Steiner Street.
[APPLICATION NO. 9905371S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the permit holder record a Notice of Special Restrictions.

SPEAKERS: Conrad Donner, attorney for appellant; Walter Wong and Dan Sullivan, agents for permit holder; Brad Newsom and Patricia Vaughey, in support of appellant.

There being no further business, President McInerney adjourned the meeting at 8:37 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

30
?
8/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 18, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **APPEAL NO. 99-096**

OLIVER C. VANDER COURT, JR., Appellant
vs .
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 18, 1999,
[to Centro Evangelistico Esmirna, permit
[to Alter a Building (build two bedrooms
[and bathroom on second floor; repair
[kitchen) at 2843 Ingalls Street.
[APPLICATION NO. 9821910.
[FOR HEARING TODAY.

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
AUG 1 3 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(4) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Adam Sparks, appellant, requesting rehearing of Appeal No. 98-177, 3175 - 17th Street. Hearing July 21, 1999. Upon motion by Vice President Chin, the Board voted 4-0 to **UPHOLD** the department and **DENY** the permit.

ITEM B: Letter from Howard M. Wexler, attorney for DeLeys Brandman, permit holder, requesting rehearing of Appeal No. 98-212, 38 West Clay Street. Hearing July 14, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (Vice President Chin dissented) to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS:** appellants pay 55% of necessary and reasonable costs of replacing the kitchen wall exhaust fan with a flue and roof fan system, up to a maximum of $5,500.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Mid-Sunset Neighborhood Association, requesting that the Board take jurisdiction over Building Permit Application No. 9910371 issued to Blockbuster for tenant improvements at 2400 Irving Street.

Date issued	June 25, 1999
Last day to appeal	July 12, 1999
Request for jurisdiction	July 28, 1999

Items (5A) and (5B) shall be heard together

(5A)

APPEAL NO. 98-052

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai-Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(5B)

APPEAL NO. 98-127

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

(6)

APPEAL NO. 99-098

JOSEPH M. BREALL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26, 1999, to
[Jeanny Liu, permit to Alter Building
[(remove old fence, build new cement
[fence wall and wooden fence) at 726
[Kirkham Street.
[APPLICATION NO. 9910408.
[PUBLIC HEARING CLOSED ON
[AUGUST 4, 1999.
[FOR FURTHER CONSIDERATON
[TODAY.

(7)

APPEAL NO. 99-106

LOWER POTRERO HILL NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 6, 1999, to
[Redland Dorsey Trust, permit to
[Demolish a Building at 1167-1169
[Tennessee Street.
[APPLICATION NO. 9906329.
[FOR HEARING TODAY.

(8)

APPEAL NO. V99-101

JEANETTE TRAVERSO & CHARLES MCCOY,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance granted
[on June 30, 1999 (construct a rear two-
[story addition to the existing two-story
[over garage two-family dwelling) to
[Parisma Mahdavi for property at 221-
[223 Francisco Street.
[VARIANCE CASE NO. 99-1998V.
[FOR HEARING TODAY.

(9) **APPEAL NO. V99-105**

DAGMAR OLSON & EDWINA LEGGETT, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Front Setback Variance (to
[construct third level addition to an
[existing single-family residence that will
[encroach 15 feet in the required 15-foot
[front setback) granted on June 30, 1999
[to Michael and Jan Mead for property at
[55 Belmont Avenue.
[VARIANCE CASE NO. 99.094V.
[FOR HEARING TODAY.

(10) **APPEAL NO. 99-114**

DAVID KWONG & KAREN YAMABE-KWONG, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 19, 199, to
[Mark Rutherford, permit to Alter a
[Building (vertical addition to include
[bedroom, bath and living room) at 3634
[Santiago Street.
[APPLICATION NO. 9902129.
[FOR HEARING TODAY.

(11) **APPEAL NO. 99-102**

RICHARD & JOCELYN STONE. Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 29, 1999,
[to Top of Park LLC, permit to Erect a
[Building (nine dwelling units with four
[stories of occupancy) at 550 Stanyan
[Street.
[APPLICATION NO. 9810285.
[FOR HEARING TODAY.

Date posted: August 12, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the da of hearing. In the event that a matter is continued to a specific date by the presiding officer a announced to the parties in the hearing room, no additional mailed notice will be sent. Please c the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boa should be addressed to John E. McInerney, III, President, and be received at the Board office, 16 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the schedu public hearing. Persons unable to attend the scheduled public hearing may submit written comme regarding a calendared item to the Board office. Comments received before noon on the day of e hearing will be made a part of the official record and will be brought to the attention of the Boarc at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff a case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raisec at the public hearing described in this notice, or in written correspondence delivered to the Boarc of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or re taken out of order to accommodate special needs. The Board urges all parties to be present in he hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant pu lic hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and ma be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individual and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

DOCUMENTS DEPT.
OCT 04 1999
8/99 SAN FRANCISCO
PUBLIC LIBRARY

WEDNESDAY, AUGUST 18, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Mary Gallagher, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **APPEAL NO. 99-096**

OLIVER C. VANDER COURT, JR., Appellant
vs .
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 18, 1999,
[to Centro Evangelistico Esmirna, permit
[to Alter a Building (build two bedrooms
[and bathroom on second floor; repair
[kitchen) at 2843 Ingalls Street.
[APPLICATION NO. 9821910.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

(2) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(4) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Adam Sparks, appellant, requesting rehearing of Appeal No. 98-177, 3175 - 17th Street. Hearing July 21, 1999. Upon motion by Vice President Chin, the Board voted 4-0 to **UPHOLD** the department and **DENY** the permit.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKER: Adam Sparks, appellant.

ITEM B: Letter from Howard M. Wexler, attorney for DeLeys Brandman, permit holder, requesting rehearing of Appeal No. 98-212, 38 West Clay Street. Hearing July 14, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (Vice President Chin dissented) to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS:** appellants pay 55% of necessary and reasonable costs of replacing the kitchen wall exhaust fan with a flue and roof fan system, up to a maximum of $5,500.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Howard Wexler, attorney for permit holder.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Mid-Sunset Neighborhood Association, requesting that the Board take jurisdictio over Building Permit Application No. 9910371 issued to Blockbuster for tenant improvements at 240 Irving Street.

Date issued	June 25, 1999
Last day to appeal	July 12, 1999
Request for jurisdiction	July 28, 1999

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** Presiden McInerney because of conflict of interest. Then after discussion, upon motion b Commissioner Cullum, the Board voted 4-0 to **GRANT** jurisdiction over the alteratio permit, and to allow the permit holder Blockbuster Video to appeal the determinatio by the Zoning Administrator that no drive-through use would be permitted.

SPEAKERS: Flo Kimmerling, requestor; Hahn Pham,. attorney for permit holder; and Mar Gallagher, Zoning Administrator for the Planning Department.

President McInerney left the dais at 5:58 p.m. and returned at 6:14 p.m. after Item 4C.

Items (5A) and (5B) were heard together

(5A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai-Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(5B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **December 13, 1999** at request of both parties prior to hearing.

(6) **APPEAL NO. 99-088**

JOSEPH M. BREALL, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on May 26, 1999, to
[Jeanny Liu, permit to Alter Building
[(remove old fence, build new cement
[fence wall and wooden fence) at 726
[Kirkham Street.
[APPLICATION NO. 9910408.
[PUBLIC HEARING CLOSED ON
[AUGUST 4, 1999.
[FOR FURTHER CONSIDERATON
[TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with agreement as conditions of approval.

SPEAKERS: None.

(7) **APPEAL NO. 99-106**

LOWER POTRERO HILL NEIGHBORHOOD
ASSOCIATION, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 6, 1999, to
[Redland Dorsey Trust, permit to
[Demolish a Building at 1167-1169
[Tennessee Street.
[APPLICATION NO. 9906329.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the demolition permit.

SPEAKERS: Janet Carpinelli, appellant; Christopher VerPlanck, Susan Eslick, Steven Griffith, Meb Gordon, Tony Dominski, Edward Elhauge, Constance Channon, Paul Zingaro, Joe Boss, Anna Budinger, Esther Lee, in support of appellant; Shawn Gorman and Gary Gee, architects for permit holder; Dorsey Redland, permit holder; Mary Gallagher, Zoning Administrator for the Planning Department; and Rafael Torres-Gil, Senior Building Inspector and John Curley, Department of Building Inspection.

The Board recessed from 7:59 to 8:18 p.m.

(8) **APPEAL NO. V99-101**

JEANETTE TRAVERSO & CHARLES MCCOY,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Rear Yard Variance granted
[on June 30, 1999 (construct a rear two-
[story addition to the existing two-story
[over garage two-family dwelling) to
[Parisma Mahdavi for property at 221-
[223 Francisco Street.
[VARIANCE CASE NO. 99-1998V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with agreement as expressed by appellant Traverso.

SPEAKERS: Howard Wexler, attorney for appellants; Jeannette Traverso, appellant; Parisma Mahdavi, permit holder; Mary Gallagher, Zoning Administrator for the Planning Department; and Esther Lee, in support of appellants.

(9) **APPEAL NO. V99-105**

DAGMAR OLSON & EDWINA LEGGETT, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Front Setback Variance (to
[construct third level addition to an
[existing single-family residence that will
[encroach 15 feet in the required 15-foot
[front setback) granted on June 30, 1999
[to Michael and Jan Mead for property at
[55 Belmont Avenue.
[VARIANCE CASE NO. 99.094V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 2- (Commissioners Cullum, El Qadah, Saunders dissented) to **UPHOLD** the Zoning Administrator and his findings.

SPEAKERS: Delvin Washington, Planner for the Planning Department; Steven Cassidy, attorney fo appellant; Edwina Leggett, appellant; Armistead Maupin, Alexandra Thomas, Gle Gertmenian, Peter and Ellen Huppert, Agar Jaicks, Jane Morrison, Rita Meakin, Alle Ainsworth, in support of appellants; Alice Barkley, attorney for variance holder.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 18, 1999 (cont'd).

(10) **APPEAL NO. 99-114**

DAVID KWONG & KAREN YAMABE-KWONG,
Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 19, 199, to
[Mark Rutherford, permit to Alter a
[Building (vertical addition to include
[bedroom, bath and living room) at 3634
[Santiago Street.
[APPLICATION NO. 9902129.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing.

(11) **APPEAL NO. 99-102**

RICHARD & JOCELYN STONE, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 29, 1999,
[to Top of Park LLC, permit to Erect a
[Building (nine dwelling units with four
[stories of occupancy) at 550 Stanyan
[Street.
[APPLICATION NO. 9810285.
[FOR HEARING TODAY.

President McInerney left the dais at 9:48 p.m. The Board recessed from 9:48 to 9:55 p.m.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** President McInerney because of conflict of interest. The Board was then polled as to whether they had reviewed the environmental documents and all answered "aye". Then after testimony, upon motion by Commissioner Cullum, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the condition that plans be revised so that light wells match abutting neighbors light wells as per the written approval of the abutting property owner of Lot 5, and the removal of north facing property line windows.

SPEAKERS: Richard and Jocelyn Stone, appellants; Hahn Pham, attorney for permit holder; Mitchell Benjamin, architect for permit holder; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

There being no further business, Vice President Chin adjourned the meeting at 10:34 p.m.

Robert H. Feldman
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 15, 1999

5:30 P.M., CITY HALL, ROOM 416

/99

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
SEP 1 0 1999
SAN FRANCISCO
PUBLIC LIBRARY
09-10-99 11:14

2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Raquel Fox, attorney for Frank Daijo, appellant, requesting rehearing of Appeal No. 99-073, 470 - 25th Avenue. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit.

ITEM B: Letter from the Lower Potrero Hill Neighborhood Association, appellant, requesting rehearing of Appeal No. 99-106, 1167-1169 Tennessee Street. Hearing August 18, 1999. Upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** department and **GRANT** the demolition permit.

REQUESTS FOR JURISDICTION BEYOND THE APPEAL PERIOD:

ITEM C: Letter from the Lower Potrero Hill Neighborhood Association, requesting jurisdiction over Building Permit Application 9906330S issued to Dorsey Redland Properties to erect a mixed-use (commercial and residential) building at 1169-1177 Tennessee Street.

Date issued	July 6, 1999
Last day to appeal	July 21, 1999
Request for jurisdiction	August 27, 1999

ITEM D: Letter from Joe Coopersmith requesting that the Board take jurisdiction over rear yard and usable open space variances denied for property at 3250 - 17th Street.

Date denied	June 30, 1999
Last day to appeal	July 12, 1999
Request for jurisdiction	August 30, 1999

4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

A) **APPEAL NO. 99-103**

RALF MUCK, Appellant	[Imposition of Penalty on July 15, 1999,
vs.	[for work done at 2616 - 21st Street.
DEPT. BUILDING INSPECTION, Respondent	[APPLICATION NO. 9911849.
PLANNING DEPARTMENT APPROVAL	[FOR HEARING TODAY.

(B) **APPEAL NO. 99-115**

BECKY LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on July 29, 1999,
[for work done at 1642 Alemany Blvd.
[APPLICATION NO. 9912788.
[FOR HEARING TODAY.

(C) **APPEAL NO. 99-119**

CAROL GIANNAKARAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty imposed
[on July 28, 1999, for work done at
[1285 - 4th Avenue.
[APPLICATION NO. 9910492.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-109**

HAIGHT ASHBURY RESIDENTS TASKFORCE, Appellant
vs .
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on April 28, 1999, to
[JC Decaux San Francisco, Inc., permit
[to install a Public Pay Toilet at the NE
[corner of Haight and Cole Streets.
[PERMIT NO. 99PT-001.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 98-055**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split into two buildings; new fire
[walls and other code upgrades as
[required per meeting and letter dated
[Jan. 22, 1996) at 1111-1133 Green
[Street.
[APPLICATION NO. 9802162.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 98-056**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split existing building on one
[lot into two buildings on two lots; new
[fire walls) at 1111-1133 Green Street.
[APPLICATION NO. 9802163.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-110**

SAMANTHA OSSELAER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 14, 1999,
[to Jimmie and Mabel Higashi, permit to
[Alter a Building (construct six foot
[redwood fence topped with three foot
[trellis in rear side yard) at 80 Sea View
[Terrace.
[APPLICATION NO. 9906902.
[FOR HEARING TODAY.

3)

APPEAL NO. 99-087

GERRIE SCOTT, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by Zoning Administrator
[dated May 25, 1999 that the developer
[of 401 Main Street, Portside Phase I
[and II is operating a valet parking
[service in conformity with Planning
[Commission Motions 11818 and 13905,
[and is consistent with the M-1 (Light
[Industrial) zoning of the property.
[CONDITIONAL USE AUTHORIZATION
[NO. 95.220C.
[FOR HEARING TODAY.

9)

APPEAL NO. 99-112

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

ate posted: September 9, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of deni
revocations and suspensions the representatives of the department, board, commission or pers
from whose order the appeal is taken shall speak first and shall be allowed seven minutes for th
presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minu
for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes
present oral argument and three minutes for rebuttal, and the permit holder shall be allowed se
minutes to present oral argument and three minutes for rebuttal. The Board may reques
departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to th
minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the
of hearing. In the event that a matter is continued to a specific date by the presiding officer
announced to the parties in the hearing room, no additional mailed notice will be sent. Please
the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Bo
should be addressed to John E. McInerney, III, President, and be received at the Board office, 16
Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the sched
public hearing. Persons unable to attend the scheduled public hearing may submit written comm
regarding a calendared item to the Board office. Comments received before noon on the day of
hearing will be made a part of the official record and will be brought to the attention of the Boar
the public hearing. For complete distribution to all Commissioners of the Board, necessary staff
case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a varianc
development permit, you may be limited to raising only those issues you or someone else raise
the public hearing described in this notice, or in written correspondence delivered to the Boar
Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or
taken out of order to accommodate special needs. The Board urges all parties to be present in
hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant p
hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and ma
filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

ndividuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cathe Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possi

Minutes of the hearing are available in alternative formats. If you require the use of a reader du the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rel disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In c to assist the City's efforts to accommodate such people, attendees at public meetings are remir that other attendees may be sensitive to various chemical based products. Please help the Ci accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and M Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI acces services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availab

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the p Commissions, boards, councils and other agencies of the City and County exist to conduc people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Fran Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind indiv and entities that influence or attempt to influence local legislative or administrative action tha may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16 to register and report lobbying activity. For more information about the Lobbyist Ordinance, p contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

DOCUMENTS DEPT.
OCT 0 4 1999
SAN FRANCISCO
PUBLIC LIBRARY

WEDNESDAY, SEPTEMBER 15, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum and Allam El Qadah.

Mary Gallagher, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Commissioner Sabrina Saunders.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Ariane Coleman informed the Board that Commissioner Saunders was in an auto accident and could not attend tonight's hearing.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Raquel Fox, attorney for Frank Daijo, appellant, requesting rehearing of Appeal No. 99-073, 470 - 25th Avenue. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice Presiden Chin (who stayed on dais) because of conflict of interest. Upon motion by Presiden McInerney, the Board voted 1-2 (Commissioners Cullum and El Qadah dissented) t continue the matter to September 29, 1999. Three votes are needed and the motio failed. Then upon by Commissioner Cullum, the Board voted 3-0 to **CONTINUE** th matter to **October 13, 1999**.

SPEAKERS: Jeremy Paul, agent for permit holder; and Raquel Fox, attorney for appellant.

ITEM B: Letter from the Lower Potrero Hill Neighborhood Association, appellant, requesting rehearing o Appeal No. 99-106, 1167-1169 Tennessee Street. Hearing August 18, 1999. Upon motion by Vic President Chin, the Board voted 5-0 to **UPHOLD** department and **GRANT** the demolition permit.

ACTION: Upon motion by Commissioner Cullum, the Board voted 2-2 (President McInerney an Commissioner El Qadah dissented) to continue the matter. Three votes are needed an the motion failed. Then after testimony, upon motion by Commissioner El Qadah, th Board voted 3-1 (Commissioner Cullum dissented) to **DENY** the request for rehearing.

SPEAKERS: Janet Carpinelli, appellant; and Shawn Gorman, architect for permit holder.

REQUESTS FOR JURISDICTION BEYOND THE APPEAL PERIOD:

ITEM C: Letter from the Lower Potrero Hill Neighborhood Association, requesting jurisdiction ove Building Permit Application 9906330S issued to Dorsey Redland Properties to erect a mixed-us (commercial and residential) building at 1169-1177 Tennessee Street.

Date issued	July 6, 1999
Last day to appeal	July 21, 1999
Request for jurisdiction	August 27, 1999

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-1 (Presiden McInerney dissented) to **CONTINUE** the matter to **September 22, 1999** because Commissioner Saunders is absent.

SPEAKERS: Janet Carpinelli, requestor; and Shawn Gorman, architect for permit holder.

ITEM D: Letter from Joel Coopersmith requesting that the Board take jurisdiction over rear yard ar usable open space variances denied for property at 3250 - 17th Street.

Date denied	June 30, 1999
Last day to appeal	July 12, 1999
Request for jurisdiction	August 30, 1999

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 to **GRANT** jurisdiction. Mr. Coopersmith has ten days to file an appeal.

SPEAKERS: Joel Coopersmith, requestor; and Mary Gallagher, Zoning Administrator for Planning Department.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 15, 1999 (cont'd).

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

(A) **APPEAL NO. 99-103**

RALF HUCK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on July 15, 1999,
[for work done at 2616 - 21st Street.
[APPLICATION NO. 9911849.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $85.15 for a total of $170.30.

SPEAKERS: The appellant was present but did not speak.

(B) **APPEAL NO. 99-115**

BECKY LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on July 29, 1999,
[for work done at 1642 Alemany Blvd.
[APPLICATION NO. 9912788.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $297.05 for a total of $594.10.

SPEAKERS: The appellant was present but did not speak.

(C) **APPEAL NO. 99-119**

CAROL GIANNAKARAS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty imposed
[on July 28, 1999, for work done at
[1285 - 4th Avenue.
[APPLICATION NO. 9910492.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: The appellant was present but did not speak.

(5) **APPEAL NO. 99-109**

HAIGHT ASHBURY RESIDENTS TASKFORCE,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on April 28, 1999, to
[JC Decaux San Francisco, Inc., permit
[to install a Public Pay Toilet at the NE
[corner of Haight and Cole Streets.
[PERMIT NO. 99PT-001.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 2-2 (President McInerney an Commissioner El Qadah dissented) to continue the matter two weeks. Three votes ar needed and the motion failed. Then after testimony, upon motion by Commissione Cullum, the Board voted 1-3 (President McInerney, Vice President Chin an Commissioner El Qadah dissented) to overrule the department and deny the permi Four votes are needed and the motion failed. Then upon motion by Vice President Chin the Board voted 3-1 (Commissioner Cullum dissented) to **UPHOLD** the department an **GRANT** the permit.

SPEAKERS: Jacob Szeto, Department of Public Works; Linda Dunn, appellant; Les Silverman, Lidia Rodriguez, Azah Borham, Russell Berman, Ben Gale, Director of Environmental Health Management, in support of appellant; Christopher Morales, Flip Sarrow, K.C. Evans, Karen Fishkin, Joey Cain, Jim Rhoads, Tess Welborn, Christine Hall, Elizabeth Kirchne in support of the department.

The Board recessed from 7:06 to 7:12 p.m.

Items (6A) and (6B) were heard together

(6A) **APPEAL NO. 98-055**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split into two buildings; new fire
[walls and other code upgrades as
[required per meeting and letter dated
[Jan. 22, 1996) at 1111-1133 Green
[Street.
[APPLICATION NO. 9802162.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 98-056**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split existing building on one
[lot into two buildings on two lots; new
[fire walls) at 1111-1133 Green Street.
[APPLICATION NO. 9802163.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 **CONTINUE** the matters to **February 2, 2000**.

SPEAKERS: Paul Carlstrom, appellant; and George Hoffberg, permit holder.

(7) **APPEAL NO. 99-110**

SAMANTHA OSSELAER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 14, 1999,
[to Jimmie and Mabel Higashi, permit to
[Alter a Building (construct six foot
[redwood fence topped with three foot
[trellis in rear side yard) at 80 Sea View
[Terrace.
[APPLICATION NO. 9906902.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that one five-gallon jasmine vine is provided for each post.

SPEAKERS: James Osselaer, for appellant; and Jimmie and Nicole Higashi, appellants.

The Board recessed from 8:10 to 8:20 p.m.

(8)

APPEAL NO. 99-087

GERRIE SCOTT, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by Zoning Administrator
[dated May 25, 1999 that the developer
[of 401 Main Street, Portside Phase I
[and II is operating a valet parking
[service in conformity with Planning
[Commission Motions 11818 and 13905,
[and is consistent with the M-1 (Light
[Industrial) zoning of the property.
[CONDITIONAL USE AUTHORIZATION
[NO. 95.220C.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

SPEAKERS: Mary Gallagher, Zoning Administrator for the Planning Department; Gerrie Scott, appellant; Diane Davis and Brian Gregor, in support of appellant; Beat Knecht and Thomas Berrigan, in support of the Zoning Administrator; Steven Vettel, attorney for project sponsor; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

(9)

APPEAL NO. 99-112

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **October 13, 1999** at request of the parties prior to hearing.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 15, 1999 (cont'd).

There being no further business, President McInerney adjourned the meeting at 9:12 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (41
362-5991.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 22, 1999

2/99

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
SEP 17 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Jocelyn Stone, appellant, requesting rehearing of Appeal No. 99-102, 550 Stanyan Street. Hearing August 18, 1999. Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** President McInerney. Then the Board was polled as to whether it had reviewed and considered the environmental documents and all replied "aye". Then after testimony, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS.**

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from the Lower Potrero Hill Neighborhood Association, requesting jurisdiction over Building Permit Application 9906330S issued to Dorsey Redland Properties to erect a mixed-use (commercial and residential) building at 1169-1177 Tennessee Street.

Date issued	July 6, 1999
Last day to appeal	July 21, 1999
Request for jurisdiction	August 27, 1999

(4) **APPEAL NO. 98-207**

PACT, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated November 23, 1998 that the legal use of the property at 635 Divisadero Street is two-family residential and that the NC-2 zoning of the property allows office use on the first floor as a principal permitted use, on the second floor as a conditional use, and that office use is not permitted on the third floor at all; appellant requests permission to file conditional use application for use of the entire building for office use.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility) at 2234-2236
[Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

(6) **APPEAL NO. 99-086**

VALMOR NETO, dba "BAHIA RESTAURANT",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Decision of the Police Department
[issued May 25, 1999 to suspend the
[Dance Hall Keeper and Place of Enter-
[tainment permits for 360 days, 270 of
[these days to be held in abeyance for a
[probationary period of three years, at
[1600 Market Street.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-113**

WILLIAM H. SIGMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 26, 1999, to
[Richardson Construction, permit to Alter
[a Building (construct bulkhead to restore
[original slope construction) at 532 Day
[Street.
[APPLICATION NO. 9707705.
[FOR HEARING TODAY.

(8) **APPEAL NO. 99-116**

IGNACIO LUNA, JR., Appellant
vs.
PLANNING DEPARTMENT, Respondent

[Determination dated July 14, 1999 from
[the Planning Department that the Place
[of Entertainment permit issued by the
[Police Department to Ignacio Luna, Jr.
[dba "Border Cafe and Cantina" at
[1192-98 Folsom Street has conditions
[attached based on Planning Code
[Sections 102.17, 816.37, and 803.5(g)
[which limit use to non-amplified live
[entertainment, and no more than 12
[other events as temporary uses per year
[under Section 205.3 so long as good
[neighbor policies are met.
FOR HEARING TODAY

(9) **APPEAL NO. 99-134**

MID-SUNSET NEIGHBORHOOD ASSOCIATION,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 25, 1999,
[to Blockbuster, permit to Alter a Building
[(new finishes, partitions, electrical work;
[no structural, HVAC, signage or fire
[protection under this permit) at 2400
[Irving Street.
[APPLICATION NO. 99010371.
[JURISDICTION GRANTED AUGUST
[18, 1999.
[FOR HEARING TODAY.

Date posted: September 16, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cathe
Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possi

Minutes of the hearing are available in alternative formats. If you require the use of a reader du
the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of nee

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rel
disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In c
to assist the City's efforts to accommodate such people, attendees at public meetings are remi
that other attendees may be sensitive to various chemical based products. Please help the Ci
accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M
Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and M
Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI acces
services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across
Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availab

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the p
Commissions, boards, councils and other agencies of the City and County exist to conduc
people's business. This ordinance assures that deliberations are conducted before the peopl
that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Fran
Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance
Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind indiv
and entities that influence or attempt to influence local legislative or administrative action tha
may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-1
to register and report lobbying activity. For more information about the Lobbyist Ordinance, p
contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics
(415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 22, 1999

2/99

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Mary Gallagher, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Patricia Vaughey described the process neighborhood groups use in the monitoring projects.

Mary Gallagher explained her plans to share representation of the Planning Department with senior planner Larry Badiner.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President McInerney explained the jurisdiction and procedures of the Board to the audience.

Vice President Chin recommended that our next budget include money for translation services.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

DOCUMENTS DEPT
OCT 08 1999
SAN FRANCISCO
PUBLIC LIBRARY

ITEM A: Letter from Jocelyn Stone, appellant, requesting rehearing of Appeal No. 99-102, 55 Stanyan Street. Hearing August 18, 1999. Upon motion by Commissioner Cullum, the Board voted 5- to **RECUSE** President McInerney. Then the Board was polled as to whether it had reviewed an considered the environmental documents and all replied "aye". Then after testimony, the Board vote 4-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS.**

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** Presiden McInerney because of conflict of interest. Then after testimony, the Board voted 4-0 t **DENY** the request for rehearing.

SPEAKERS: Richard Stone, for appellant; and James Reuben, attorney for permit holder;

President McInerney left the dais and returned after vote on rehearing.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from the Lower Potrero Hill Neighborhood Association, requesting jurisdiction ove Building Permit Application 9906330S issued to Dorsey Redland Properties to erect a mixed-us (commercial and residential) building at 1169-1177 Tennessee Street.

Date issued	July 6, 1999
Last day to appeal	July 21, 1999
Request for jurisdiction	August 27, 1999

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **DENY** th request for rehearing.

SPEAKERS: Janet Carpinelli, appellant; Shawn Gorman, architect for permit holder; and Dorse Redland, permit holder.

(4) **APPEAL NO. 98-207**

PACT, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated November 23, 1998 that
[the legal use of the property at 635 Divi-
[sadero Street is two-family residential
[and that the NC-2 zoning of the property
[allows office use on the first floor as a
[principal permitted use, on the second
[floor as a conditional use, and that office
[use is not permitted on the third floor at
[all; appellant requests permission to file
[conditional use application for use of the
[entire building for office use.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **December 8, 1999** prior to hearing.

(5)

APPEAL NO. 99-035

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility) at 2234-2236
[Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **CONTINUE** the matter to **December 8, 1998**.

SPEAKERS: Lawrence Alioto, attorney for appellant; Mary Gallagher, Zoning Administrator for the Planning Department; Andrew Zacks, attorney for permit holder; and Judith Boyajian, Deputy City Attorney.

(6)

APPEAL NO. 99-086

VALMOR NETO, dba "BAHIA CABANA RESTAURANT", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Decision of the Police Department
[issued May 25, 1999 to suspend the
[Dance Hall Keeper and Place of Enter-
[tainment permits for 360 days, 270 of
[these days to be held in abeyance for a
[probationary period of three years, at
[1600 Market Street.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **December 1, 1999** prior to hearing.

(7)

APPEAL NO. 99-113

WILLIAM H. SIGMAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 26, 1999, to
[Richardson Construction, permit to Alter
[a Building (construct bulkhead to restore
[original slope construction) at 532 Day
[Street.
[APPLICATION NO. 9707705.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: William Sigman, appellant; Craig Sommer, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

(8)

APPEAL NO. 99-116

IGNACIO LUNA, JR., Appellant
vs.
PLANNING DEPARTMENT, Respondent

[Determination dated July 14, 1999 from
[the Planning Department that the Place
[of Entertainment permit issued by the
[Police Department to Ignacio Luna, Jr.
[dba "Border Cafe and Cantina" at
[1192-98 Folsom Street has conditions
[attached based on Planning Code
[Sections 102.17, 816.37, and 803.5(g)
[which limit use to non-amplified live
[entertainment, and no more than 12
[other events as temporary uses per year
[under Section 205.3 so long as good
[neighbor policies are met.
[FOR HEARING TODAY

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Presider McInerney dissented) to **OVERRULE** the department with the five conditions as set fort in Captain Martel's letter.

SPEAKERS: Mary Gallagher, Zoning Administrator for the Planning Department; and John Luna appellant.

(9)

APPEAL NO. 99-134

MID-SUNSET NEIGHBORHOOD ASSOCIATION,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on June 25, 1999,
[to Blockbuster Video, permit to Alter a
[Building (new finishes, partitions,
[electrical work; no structural, HVAC,
[signage or fire protection under this
[permit) at 2400 Irving Street.
[APPLICATION NO. 99010371.
[JURISDICTION GRANTED AUGUST
[18, 1999.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** Presider McInerney because of conflict of interest. Then after testimony, the Board voted 2- (Vice President Chin and Commissioner El Qadah dissented) to uphold the departmer and grant the permit with conditions. Four votes are needed and the motion failed Than upon motion by Vice President Chin, the Board voted 4-0 to **UPHOLD** th department and **GRANT** the permit with the **CONDITION** that the project sponsor app for one handicapped curb side space and one white zone for a curb drop-off box.

SPEAKERS: Flo Kimmerling, appellant; James Reuben, attorney for permit holder; Mary Gallaghe Zoning Administrator for the Planning Department; Pinky Kushner, Margaret Pullar Shawn Silk, Rita Goldberger, Rae Doyle, Philip Carleton, Mary Ellen Sillcox, Kathy Tong Seda Boghossian, Christine Linnenbach, in support of appellant; Philip Spiegel, Richar Epp, Jennifer Spiegel, Jim Sweeney, Frank DeVore, David Fong, Richard DeSarto, Ma Holmes, Tom Coates, in support of project sponsor; Laurence Kornfield, Chief Buildin Inspector for the Department of Building Inspection; and Judith Boyajian, Deputy Ci Attorney.

There being no further business, President McInerney adjourned the meeting at 9:20 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, SEPTEMBER 29, 1999

9/99

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

0 -99P12:50 RCVD
DOCUMENTS DEPT.
SEP 2 4 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 99-093**

CIARAN HARTY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 14, 1999, of permit to
[Erect a Building (19 live/work units) at
[1050 - 17th Street.
[APPLICATION NO. 9711381S.
[FOR HEARING TODAY.

(4) **APPEAL NO. 99-118**

THEODORE REVLOCK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 29, 1999, to
[Jimmy Chu, permit to Erect a Building
[(two dwelling units) at 4241 - 25th
[Street.
[APPLICATION NO. 9904626S.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-121**

JERRY REGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 4, 1999,
[to Amido Hicho, permit to Alter a
[Building (build a fence not to exceed six
[feet high along side property line) at 66
[Fountain Street.
[APPLICATION NO. 9915997.
[FOR HEARING TODAY.

(6) **APPEAL NO. V99-099**

MAGNOLIA STREET NEIGHBORS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on June 28, 1999,
[to KSW Properties, Rear Yard Variance
[(demolition of Jack-in-the-Box restau-
[rant to construct a three-story mixed-use
[building with 27 dwelling units, about
[10,500 square feet of retail space and
[underground parking for about 46 cars
[accessible via Lombard Street) for
[property at 1880 Lombard Street.
[VARIANCE CASE NO. 98.523V.
[FOR HEARING TODAY.

(7) **APPEAL NO. V99-100**

FRANCIS E. FERNANDEZ, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Denial on June 30, 1999 of Rear Yard [Variance (construct one-story vertical [addition over the rear portion of the [existing dwelling with new decks added [to the rear of the basement and second [floor levels) for property at 1849 - 15th [Avenue. [VARIANCE CASE NO. 99.357V. [FOR HEARING TODAY

(8) **APPEAL NO. 99-078**

ELLER MEDIA COMPANY, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Determination dated May 3, 1999 [requiring removal of the painted wall [sign at 465 - 10th Street because it was [discontinued for more than three years [and no new wall signs are permitted in [the SLR zoning district under Planning [Code Section 816. Permit Application [No. 9814260 was issued in error. [Appellant has 30 days to respond with a [program to correct this violation or this [matter will sent to the City Attorney for [abatement. [FOR HEARING TODAY.

Date posted: September 23, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cathe Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possil

Minutes of the hearing are available in alternative formats. If you require the use of a reader du the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rel disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In o to assist the City's efforts to accommodate such people, attendees at public meetings are remin that other attendees may be sensitive to various chemical based products. Please help the Ci accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Ma Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI acces services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availab

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the p Commissions, boards, councils and other agencies of the City and County exist to conduc people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Fran Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind indivi and entities that influence or attempt to influence local legislative or administrative action that may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16 to register and report lobbying activity. For more information about the Lobbyist Ordinance, p contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 29, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Larry Badiner, Senior Planner for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.
OCT 08 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **APPEAL NO. 99-093**

CIARAN HARTY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on June 14, 1999, of permit to
[Erect a Building (19 live/work units) at
[1050 - 17th Street.
[APPLICATION NO. 9711381S.
[FOR HEARING TODAY.

ACTION: The Board was polled as to whether the environmental documents were reviewed and considered. All answered "aye". Then after testimony, upon motion by President McInerney, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings and the **CONDITION** that the Notice of Special Restrictions be amended and rerecorded. The attorney for the appellant is to submit proposed findings consistent with this decision for adoption by the Board at a future meeting.

SPEAKERS: Larry Badiner, Senior Planner for the Planning Department; Alice Barkley, attorney fo appellant; Jonas Mybett, Estuardo Vasquez, Solomon Mybett, Michael Strunsky, Elain Jones, Tammie Griggs, Mack Burton, Joe O'Donoghue, in support of appellant; Su Hestor, John O'Rourke, Werner Krutein, Ruby Jordan, in support of the department; Loui Dougherty, adjoining business owner; Judith Boyajian, Deputy City Attorney; and Tob Levy, architect for appellant.

The Board recessed from 7:10 to 7:21 p.m.

(4) **APPEAL NO. 99-118**

THEODORE REVLOCK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 29, 1999, to
[Jimmy Chu, permit to Erect a Building
[(two dwelling units) at 4241 - 25th
[Street.
[APPLICATION NO. 9904626S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 t **UPHOLD** the department and **GRANT** the permit with the **CONDITIONS** submitted b the parties.

SPEAKERS: None. The parties did not appear.

(5) **APPEAL NO. 99-121**

JERRY REGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 4, 1999,
[to Amido Hicho, permit to Alter a
[Building (build a fence not to exceed six
[feet high along side property line) at 66
[Fountain Street.
[APPLICATION NO. 9915997.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 t **CONTINUE** the matter to **November 3, 1999** for the parties to work out an agreement.

SPEAKERS: Jerry Regan, appellant; Laurence Kornfield, Chief Building Inspector for the Departme of Building Inspection; and Anna Hicho, for permit holder.

(6) **APPEAL NO. V99-099**

MAGNOLIA STREET NEIGHBORS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on June 28, 1999,
[to KSW Properties, Rear Yard Variance
[(demolition of Jack-in-the-Box restau-
[rant to construct a three-story mixed-use
[building with 27 dwelling units, about
[10,500 square feet of retail space and
[underground parking for about 46 cars
[accessible via Lombard Street) for
[property at 1880 Lombard Street.
[VARIANCE CASE NO. 98.523V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance. The counsel for the variance holder shall submit proposed findings consistent with this decision for adoption by the Board on October 13, 1999.

SPEAKERS: Kelly Drum, attorney for appellant; Judy Kioto, appellant; Larry Badiner, Senior Planner for the Planning Department; Alice Barkley, attorney for project sponsor; Carolyn Blair, in support of appellant

The Board recessed from 8:36 to 8:49 p.m.

(7) **APPEAL NO. V99-100**

FRANCIS E. FERNANDEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 30, 1999 of Rear Yard
[Variance (construct one-story vertical
[addition over the rear portion of the
[existing dwelling with new decks added
[to the rear of the basement and second
[floor levels) for property at 1849 - 15th
[Avenue.
[VARIANCE CASE NO. 99.357V.
[FOR HEARING TODAY

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRULE** the Zoning Administrator with findings and **GRANT** the variance, with proposed findings submitted by appellant's counsel adopted by the Board.

SPEAKERS: Larry Badiner, Senior Planner for the Planning Department; Alice Barkley, attorney for appellant; Ruth Parker, in support of Zoning Administrator; and Judy Giacommetti, Art Kazarian, Phillip Himenez, in support of appellant.

(8) **APPEAL NO. 99-078**

ELLER MEDIA COMPANY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated May 3, 1999
[requiring removal of the painted wall
[sign at 465 - 10th Street because it was
[discontinued for more than three years
[and no new wall signs are permitted in
[the SLR zoning district under Planning
[Code Section 816. Permit Application
[No. 9814260 was issued in error.
[Appellant has 30 days to respond with a
[program to correct this violation or this
[matter will sent to the City Attorney for
[abatement.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **RECUSE** President McInerney because of conflict of interest. Then after discussion, upon motion by Vice President Chin, the Board voted 4-0 to **CONTINUE** the matter to **November 3, 1999**.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 29, 1999 (cont'd).

SPEAKERS: Joel Yodowitz, attorney for appellant; Larry Badiner, Senior Planner for the Planning Department; and Craig Rowland, in support of Zoning Administrator.

President McInerney remained in the hearing room.

There being no further business, President McInerney adjourned the meeting at 9:21 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 13, 1999

5:30 P.M., CITY HALL, ROOM 416

3/99

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

10-08-99A10:39 RCVD
DOCUMENTS DEPT.
OCT 08 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. V99-099, 1880 Lombard Street. Hearing September 29, 1999. Upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Laura Tam, requesting that the Board take jurisdiction over Building Permit Application No. 9813285 issued to Debbie Cort, to erect a three-story two dwelling unit structure at 879 Alabama Street.

Date issued	August 11, 1999
Last day to appeal	August 26, 1999
Request for jurisdiction	September 22, 1999

DOCUMENTS DEPT.
OCT 08 1999
SAN FRANCISCO
PUBLIC LIBRARY

REQUESTS FOR REHEARING:

ITEM C: Letter from Raquel Fox, attorney for Frank Daijo, appellant, requesting rehearing of Appeal No. 99-073, 470 - 25th Avenue. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit.

ITEM D: Letter from Gerri Scott, appellant, requesting rehearing of Appeal No. 99-087, 401 Main Street. Hearing September 15, 1999. Upon motion by Commissioner El Qadah, the Board voted 4-0 (Commissioner Saunders absent) to **UPHOLD** the Zoning Administrator.

(4) **APPEAL NO. 99-107**

FASSAHAIE KELETA, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on July 1, 1999, of Taxicab
[Medallion No. 710.
[RESOLUTION NO. 22-99.
[FOR HEARING TODAY

(5) **APPEAL NO. 99-122**

MOUSA SULEIMAN, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Order dated July 30, 1999, imposing
[one year probation; one month
[suspension of driver of public vehicle
[permit; and the requirement that the
[appellant receive retraining.
[RESOLUTION NO. 31-99.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-127**

KEITH R. SAGGERS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on August 6, 1999, of Pedicab
[Owner Permit Application to expand
[routes in downtown area.
[FOR HEARING TODAY.

(7) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

(A) **APPEAL NO. 99-136**

KENT HANGER LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty imposed
[on August 30, 1999, for work done at
[1528 Moraga Street.
[APPLICATION NO. 9917573.
[FOR HEARING TODAY.

(B) **APPEAL NO. 99-146**

GEORGE LIPP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on September 15,
[1999, for work done at 167 Day Street.
[APPLICATION NO. 9912375.
[FOR HEARING TODAY.

(C) **APPEAL NO. 99-149**

ROBERT FLANIGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on September 20,
[1999, for work done at 288 States
[Street.
[APPLICATION NO. 9918171.
[FOR HEARING TODAY.

Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(8B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

(9) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

(10) **APPEAL NO. 99-142**

MARVIN & LILY HOLLIS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 26, 1999,
[to Scott Ticer and Joyce Montigny,
[permit to Alter a Building (interior
[alterations and horizontal extension at
[rear) at 5-7 Vicksburg Street.
[APPLICATION NO. 9806657S.
[FOR HEARING TODAY.

(11) **APPEAL NO. V99-125**

MICHAEL N. HOFMAN & JANET MOYER, Appellants
vs.
ZONING ADMINSTRATOR, Respondent

[Appeal of Rear Yard Variance (convert
[an existing non-complying structure into
[a dwelling unit at the rear of the lot with
[no rear yard; and construction of 1-1/2
[story dwelling unit on the footprint of the
[existing structure, which measures
[approximately 14'-0" x 24'0") granted to
[Kevin Clarke for property at 384-386
[Eureka Street.
[VARIANCE CASE NO. 99.954V.
[FOR HEARING TODAY.

Date posted: October 7, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. Mclnerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 13, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

0

/13/99

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Mary Gallagher, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Tom Hanus, dba "Chat Café" at 498 Sanchez Street, asked that the Board reschedule Appeal No. 98-035 to December 8, 1999 from October 20th. He is the new owner of the business formerly known as "Buddies". The Executive Secretary said staff would reschedule.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President John McInerney announced that the Board would hold its annual holiday luncheon on December 15, 1999, and he then apologized to Commissioner Cullum for having cut her off at the last meeting.

DOCUMENTS DEPT.
NOV 01 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. V99-099, 1880 Lombard Street. Hearing September 29, 1999. Upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **ADOPT** findings.

SPEAKERS: None.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Laura Tam, requesting that the Board take jurisdiction over Building Permit Application No. 9813285 issued to Debbie Cort, to erect a three-story two dwelling unit structure at 879 Alabama Street.

Date issued	August 11, 1999
Last day to appeal	August 26, 1999
Request for jurisdiction	September 22, 1999

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 3-2 (Vice President Chin and Commissioner Cullum dissented) to **DENY** the request for jurisdiction.

SPEAKERS: Laura Tam, requestor; Debbie Cort, permit holder; and Mary Gallagher, Zoning Administrator for the Planning Department.

REQUESTS FOR REHEARING:

ITEM C: Letter from Raquel Fox, attorney for Frank Daijo, appellant, requesting rehearing of Appeal No 99-073, 470 - 25th Avenue. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: Upon motion by President McInerney, the Board voted 5-0 to **RECUSE** Vice Presiden Chin because of conflict of interest. Then after testimony, the Board voted 3-1 (President McInerney dissented) to grant rehearing. Four votes are need and the motion failed. The request is **DENIED**.

SPEAKERS: Raquel Fox, attorney for appellant; Jeremy Paul, agent for permit holder.

Vice President Chin left the room at 6:11 and returned at 6:28 p.m.

ITEM D: Letter from Gerri Scott, appellant, requesting rehearing of Appeal No. 99-087, 401 Main Stree Hearing September 15, 1999. Upon motion by Commissioner El Qadah, the Board voted 4- (Commissioner Saunders absent) to **UPHOLD** the Zoning Administrator.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **DENY** th request for rehearing.

SPEAKERS: Gerri Scott, appellant; and Steven Vettel, attorney for project sponsor.

(4) **APPEAL NO. 99-107**

FASSAHAIE KELETA, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on July 1, 1999, of Taxicab
[Medallion No. 710.
[RESOLUTION NO. 22-99.
[FOR HEARING TODAY

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that the appellant be placed on nine months suspension and the City Attorney prepare findings for adoption on a later date.

SPEAKERS: Thomas Owen, Deputy City Attorney; Officer John Nevin, Taxi Detail for S.F.P.D.; Geoffrey Rotwein, attorney for appellant; and Mark Gruberg and Ralph Jacobson, in support of the department.

The Board recessed from 7:27 to 7:42 p.m.

(5) **APPEAL NO. 99-122**

MOUSA SULEIMAN, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Order dated July 30, 1999, imposing
[one year probation; one month
[suspension of driver of public vehicle
[permit; and the requirement that the
[appellant receive retraining.
[RESOLUTION NO. 31-99.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that probation be for six months, suspension for one week, and required retraining be during the week of suspension, if possible.

SPEAKERS: Thomas Owen, Deputy City Attorney; Officer Lily Ng, S.F.P.D.; Calvin Turvek, in support of appellant; and Mousa Suleiman, appellant.

(6) **APPEAL NO. 99-127**

KEITH R. SAGGERS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on August 6, 1999, of Pedicab
[Owner Permit Application to expand
[routes in downtown area.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit application.

SPEAKERS: Officer Fred Crisp, S.F.P.D.; Mark Gruberg, in support of department; and Keith Saggers, appellant.

(7) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

(A) **APPEAL NO. 99-136**

KENT HANGER LEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for Refund of Penalty imposed
[on August 30, 1999, for work done at
[1528 Moraga Street.
[APPLICATION NO. 9917573.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

(B) **APPEAL NO. 99-146**

GEORGE LIPP, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on September 15,
[1999, for work done at 167 Day Street.
[APPLICATION NO. 9912375.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $280.80 for a total of $561.60.

SPEAKERS: The appellant was present but did not speak.

(C) **APPEAL NO. 99-149**

ROBERT FLANIGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Imposition of Penalty on September 20,
[1999, for work done at 288 States
[Street.
[APPLICATION NO. 9918171.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $150.80 for a total of $301.60.

SPEAKERS: The appellant was present but did not speak.

Items (8A) and (8B) were heard together

(8A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(8B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **CONTINUE** the matter to **November 3, 1999**.

SPEAKER: Raquel Fox, attorney for appellants.

(9) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **CONTINUE** the matter to **November 3, 1999**.

SPEAKERS: Executive Secretary reported receiving a fax from Alex Weyant, attorney for appellant, requesting rescheduling to November 3, 1999.

(10) **APPEAL NO. 99-142**

MARVIN & LILY HOLLIS, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 26, 1999,
[to Scott Ticer and Joyce Montigny,
[permit to Alter a Building (interior
[alterations and horizontal extension at
[rear) at 5-7 Vicksburg Street.
[APPLICATION NO. 9806657S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS:** reattach downspout and gutter at the front; install flashing at property line; install curb on small roof of lightwell with drain; all within 12 months of hearing.

SPEAKERS: Marvin Hollis, appellant, Scott Ticer, permit holder; and Rafael Torres-Gil, Senior Building Inspector for the Department of Building Inspection.

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, OCTOBER 13, 1999 (cont'd.)

The Board recessed from 9:00 to 9:10 p.m.

(11) **APPEAL NO. V99-125**

MICHAEL N. HOFMAN & JANET MOYER, Appellants
vs.
ZONING ADMINSTRATOR, Respondent

[Appeal of Rear Yard Variance (convert
[an existing non-complying structure into
[a dwelling unit at the rear of the lot with
[no rear yard; and construction of 1-1/2
[story dwelling unit on the footprint of the
[existing structure, which measures
[approximately 14'-0" x 24'0") granted to
[Kevin Clarke for property at 384-386
[Eureka Street.
[VARIANCE CASE NO. 99.954V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and her findings with the **CONDITION** that one of the parking spaces on the lot shall be for the use of the occupant of the subject rear dwelling unit.

SPEAKERS: Mary Gallagher, Zoning Administrator for the Planning Department; Janet Moyer and Michael Hofman, appellants; Steve Johnson, architect for variance holder; Roger Jensen and Mark Workstrom, in support of variance holder; Lou Gilligan, variance holder (50% interest with Kevin Clarke).

There being no further business, President McInerney adjourned the meeting at 9:41 p.m.

Robert H Feldman
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 20, 1999

5:30 P.M., CITY HALL, ROOM 416

/20/99

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Melissa Farley, requesting that the Board take jurisdiction over Building Permit Application No. 9902129S issued to Mark Rutherford for a vertical enlargement of bedroom, bath and living room; and lateral force upgrade utilizing the reduced values of SFBC 1603.8 at 3634 Santiago Street.

Date issued	July 19, 1999
Last day to appeal	August 3, 1999
Request for jurisdiction	October 4, 1999

DOCUMENTS DEPT.
OCT 18 1999
SAN FRANCISCO
PUBLIC LIBRARY

(4) **APPEAL NO. 99-128**

ONSITE ADVERTISING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 4, 1999, of permit
[Erect a Sign (20' x 120' non-electric,
[single-faced painted wall sign) at 651
[Brannan Street.
[APPLICATION NO. 9914596.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-117**

CHRISTIAN BARBE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1999, of permit to
[Erect a Building (20 live/work units) at
[370 De Haro Street.
[APPLICATION NO. 9717324S.
[FOR HEARING TODAY

Items (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 99-130**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 5, 1999,
[to 1325 Indiana Street LLC, permit to
[Erect a Building (48 live/work units) at
[1325 Indiana Street.
[APPLICATION NO. 9816598S.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 99-131**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 5, 1999,
[to 1310 Minnesota Street LLC, permit to
[Erect a Building (30 live/work units) at
[1310 Minnesota Street.
[APPLICATION NO. 9816599S.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-132**

NORMAN & LINDA MJELLEM, ROBERT
DOMERGUE, PAUL NEWMAN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 6, 1999,
[to Hilda Lai, permit to Alter a Building
[(top floor addition; add rear exit stairs
[and decks; add new garage under
[existing building) at 2067-69 Green
[Street.
[APPLICATION NO. 9806105S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 99-135**

DAVID G. ROBINS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 12, 1999,
[to Lisa Honig, permit to Alter a Building
[(add spiral staircase at rear of building)
[at 320 Rutledge Street.
[APPLICATION NO. 9916612.
[FOR HEARING TODAY.

Date posted: October 14, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. Mclnerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catheri Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader duri the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orc to assist the City's efforts to accommodate such people, attendees at public meetings are remind that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marl Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessil services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct t people's business. This ordinance assures that deliberations are conducted before the people a that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that t may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

30
3
/20/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 20, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Larry Badiner, Senior Planner for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

DOCUMENTS DEPT.
NOV 05 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** Letter from Melissa Farley, requesting that the Board take jurisdiction over Building Permit Application No. 9902129S issued to Mark Rutherford for a vertical enlargement of bedroom, bath and living room; and lateral force upgrade utilizing the reduced values of SFBC 1603.8 at 3634 Santiago Street.

Date issued	July 19, 1999
Last day to appeal	August 3, 1999
Request for jurisdiction	October 4, 1999

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKERS: Melissa Farley, requestor; Mark Rutherford, permit holder; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; Larry Badiner, Senior Planner for the Planning Department; and Judith Boyajian, Deputy City Attorney.

(4) **APPEAL NO. 99-128**

ONSITE ADVERTISING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 4, 1999, of permit
[Erect a Sign (20' x 120' non-electric,
[single-faced painted wall sign) at 651
[Brannan Street.
[APPLICATION NO. 9914596.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECHEDULE** the matter to **December 1, 1999**.

SPEAKERS: None.

(5) **APPEAL NO. 99-117**

CHRISTIAN BARBE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1999, of permit to
[Erect a Building (20 live/work units) at
[370 De Haro Street.
[APPLICATION NO. 9717324S.
[FOR HEARING TODAY

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RESCHEDULE** the matter to **November 3, 1999.**

SPEAKERS: None.

Items (6A) and (6B) were heard together

(6A) **APPEAL NO. 99-130**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 5, 1999,
[to 1325 Indiana Street LLC, permit to
[Erect a Building (48 live/work units) at
[1325 Indiana Street.
[APPLICATION NO. 9816598S.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 99-131**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 5, 1999,
[to 1310 Minnesota Street LLC, permit to
[Erect a Building (30 live/work units) at
[1310 Minnesota Street.
[APPLICATION NO. 9816599S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 5-0 to **RECUSE** President McInerney. Then after testimony, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with the **CONDITION** that the Notice of Special Restriction be rewritten in consultation with Judy West and submitted to the Executive Secretary before recordation.

SPEAKERS: Sue Hestor, attorney for appellant; Alice Barkley, attorney for permit holder; Larry Badiner, Senior Planner for the Planning Department; Sherman Little, Joe O'Donoghue, Judy West, Bruce Baumann, in support of project; and Judith Boyajian, Deputy City Attorney.

President McInerney left the room at 6:06 p.m. before testimony.

(7)

APPEAL NO. 99-132

NORMAN & LINDA MJELLEM, ROBERT DOMERGUE, PAUL NEWMAN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 6, 1999,
[to Hilda Lai, permit to Alter a Building
[(top floor addition; add rear exit stairs
[and decks; add new garage under
[existing building) at 2067-69 Green
[Street.
[APPLICATION NO. 9806105S.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by letter **October 20, 1999** prior to hearing.

(8)

APPEAL NO. 99-135

DAVID G. ROBINS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 12, 1999,
[to Lisa Honig, permit to Alter a Building
[(add spiral staircase at rear of building)
[at 320 Rutledge Street.
[APPLICATION NO. 9916612.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **December 8, 1999**.

SPEAKERS: David Robins, appellant; Larry Badiner, Senior Planner for the Planning Department; and Lisa Honig, permit holder.

There being no further business, President McInerney adjourned the meeting at 7:12 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

F
Agenda
30
2
1/3/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 3, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

DOCUMENTS DEPT.
OCT 29 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from the Linda Dunn of the Haight Ashbury Residents Taskforce, appellant, requesting rehearing of Appeal No 99-109, automatic pay toilet at corner of Haight and Cole Streets. Hearing September 15, 1999. Upon motion by Commissioner Cullum, the Board voted 2-2 (President McInerney and Commissioner El Qadah dissented, Commissioner Saunders absent) to continue the matter two weeks. Three votes are needed and the motion failed. Then after testimony, upon motion by Commissioner Cullum, the Board voted 1-3 (President McInerney, Vice President Chin and Commissioner El Qadah dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Vice President Chin, the Board voted 3-1 (Commissioner Cullum dissented) to **UPHOLD** the department and **GRANT** the permit.

ITEM B: Letter from Keith Saggers, appellant, requesting rehearing of Appeal No. 99-127, denial of pedicab owner amendment permit application to expand routes in downtown area. Hearing October 13, 1999. Upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the department and **DENY** the application.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

(A) **APPEAL NO. 99-154**

KLAUS P. KRETSCHMER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty imposed
[on September 28, 1999, for work done
[at 271 Bemis Street.
[APPLICATION NO. 9920433.
[FOR HEARING TODAY.

(B) **APPEAL NO. 99-157**

YUE Z. WANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty imposed
[on October 7, 1999, for work done at
[1724 Revere Avenue.
[APPLICATION NO. 9921208.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-129**

LAWRENCE ROSENBAUM, dba "S.O.S. MINISTRIES", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Appeal of conditions for loudspeaker
[permit granted on August 10, 1999, for
[November 6, 1999 at Powell and Market
[Streets.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-117**

CHRISTIAN BARBE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1999, of permit to
[Erect a Building (20 live/work units) at
[370 De Haro Street.
[APPLICATION NO. 9717324S.
[FOR HEARING TODAY

items (7A) and (7B) shall be heard together

(7A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(7B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

(8) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Administrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

(9) **APPEAL NO. 99-121**

JERRY REGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 4, 1999,
[to Amido Hicho, permit to Alter a
[Building (build a fence not to exceed six
[feet high along side property line) at 66
[Fountain Street.
[APPLICATION NO. 9915997.
[FOR FURTHER HEARING TODAY.

(10) **APPEAL NO. 99-138**

SUNSET SCAVENGER COMPANY, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent

[Protesting issuance on August 13, 1999,
[to Waste Resource Technologies,
[permit to Collect Refuse for the
[Veterans Administration Medical Center
[at 4150 Clement Street.
[FOR HEARING TODAY.

(11) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 16, 1999,
[to Betty Jo Hardison, permit to Alter a
[Building (vertical and horizontal additions) at 2931 Pierce Street.
[APPLICATION NO. 9805281S.
[FOR HEARING TODAY.

(12) **APPEAL NO. 99-143**

ELOISE MAGENHEIM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 26, 1999,
[to Kenny Chiu, permit to Demolish a
[Building (four story two unit dwelling) at
[3134 - 3136 Fulton Street.
[APPLICATION NO. 9809197.
[FOR HEARING TODAY.

(13) **APPEAL NO. V99-139**

RODOLFO VELASQUEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 24, 1999, of Front Set-
[back Variance (legalize construction of a
[front porch enclosure) at 58 Lobos
[Street.
[VARIANCE CASE NO. 99.417V.
[FOR HEARING TODAY.

(14) **APPEAL NO. V99-140**

JEFF MAUK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August 27, 1999,
[to Cameron Galloway and David
[Terrance, Rear Yard Variance (remove
[existing detached carport and construct
[a new detached two-story over garage,
[approximately 27-foot wide by 27-foot
[deep, single-unit building in the required
[rear yard at the property line facing
[Hickory Street) for property at 514-516
[Oak Street.
[VARIANCE CASE NO. 99.521V.
[FOR HEARING TODAY.

(15) **APPEAL NO. V99-141**

PAULINE SHAVER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August 25, 1999,
[to Tor Hansen, Off-Street Parking
[Variance (subject to conditional use
[authorization by the Planning Commis-
[sion, establish a live/work unit within an
[existing vacant, two-story commercial
[building with approximately 3,800 s.f.
[floor area without an independently
[accessible off-street parking space) at
[2500 Market Street.
[VARIANCE CASE NO. 99.170CV.
[FOR HEARING TODAY.

Date posted: October 28, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cathe Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possi

Minutes of the hearing are available in alternative formats. If you require the use of a reader du the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rel disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In o to assist the City's efforts to accommodate such people, attendees at public meetings are remir that other attendees may be sensitive to various chemical based products. Please help the Ci accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Ma Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI acces services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availab

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pu Commissions, boards, councils and other agencies of the City and County exist to conduc people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Fran Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind indivi and entities that influence or attempt to influence local legislative or administrative action that may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16 to register and report lobbying activity. For more information about the Lobbyist Ordinance, p contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

F
30
3
/3/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 3, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and Sabrina Saunders.

Mary Gallagher, Zoning Administrator for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
NOV 1 8 1999
SAN FRANCISCO
PUBLIC LIBRARY

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: Vice President Chin requested that Appeal No. 99-143 be moved up because he represents the permit holder and must be recused.

(3) **REQUESTS FOR REHEARING:**

ITEM A: Letter from the Linda Dunn of the Haight Ashbury Residents Taskforce, appellant, requesting rehearing of Appeal No 99-109, automatic pay toilet at corner of Haight and Cole Streets. Hearing September 15, 1999. Upon motion by Commissioner Cullum, the Board voted 2-2 (President McInerney and Commissioner El Qadah dissented, Commissioner Saunders absent) to continue the matter two weeks. Three votes are needed and the motion failed. Then after testimony, upon motion by Commissioner Cullum, the Board voted 1-3 (President McInerney, Vice President Chin and Commissioner El Qadah dissented) to overrule the department and deny the permit. Four votes are needed and the motion failed. Then upon motion by Vice President Chin, the Board voted 3-1 (Commissioner Cullum dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Linda Dunn, appellant; and Jacob Szeto, Department of Public Works.

ITEM B: Letter from Keith Saggers, appellant, requesting rehearing of Appeal No. 99-127, denial of pedicab owner amendment permit application to expand routes in downtown area. Hearing October 13, 1999. Upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the department and **DENY** the application.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: Keith Saggers, appellant; and Sergeant William Coggan, S.F.P.D.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

(A) **APPEAL NO. 99-154**

KLAUS P. KRETSCHMER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty imposed
[on September 28, 1999, for work done
[at 271 Bemis Street.
[APPLICATION NO. 9920433.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Saunders, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $102.05 for a total of $204.10.

SPEAKERS: The appellant was present but did not speak. The Department consented.

(B) **APPEAL NO. 99-157**

YUE Z. WANG, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty imposed
[on October 7, 1999, for work done at
[1724 Revere Avenue.
[APPLICATION NO. 9921208.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to three times the regular fee for a total of $255.45.

SPEAKERS: Kai Ming Lo, agent for appellant; and Todd Huntington, Chief Building Inspector for the Department of Building Inspection.

(5) **APPEAL NO. 99-129**

LAWRENCE ROSENBAUM, dba "S.O.S. MINISTRIES", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Appeal of conditions for loudspeaker
[permit granted on August 10, 1999, for
[November 6, 1999 at Powell and Market
[Streets.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-2 (President McInerney and Commissioner El Qadah dissented) to uphold the department and grant the permit with new conditions. Four votes are needed and the motion failed. The permit is **GRANTED** with the **ORIGINAL CONDITIONS**.

SPEAKERS: Sergeant William Coggan and Officer Edward Anzore, S.F.P.D.; Lawrence Rosenbaum, appellant; and Eric Livingston, Scott Robins, Paul Coca, Joyce Kleinjan, in support of appellant.

(6) **APPEAL NO. 99-117**

CHRISTIAN BARBE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on August 5, 1999, of permit to
[Erect a Building (20 live/work units) at
[370 De Haro Street.
[APPLICATION NO. 9717324S.
[FOR HEARING TODAY

ACTION: The Board was polled and asked if they had reviewed and considered the environmental documents. All answered "aye". Then after testimony, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings to be prepared by appellant's attorney for adoption at a later date.

SPEAKERS: Mary Gallagher, Zoning Administrator for the Planning Department; John Sanger, attorney for appellant; Joe O'Donoghue, Judy West, Gail Goldyne, Jeremy Paul, Christopher Lirely, in support of appellant; Judith Boyajian, Deputy City Attorney; and Christian Barbe, appellant.

Items (7A) and (7B) were heard together

(7A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(7B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: **RESCHEDULED** to **November 17, 1999** prior to hearing at request of the parties.

(8) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Administrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **November 17, 1999** prior to hearing at request of the parties.

(9) **APPEAL NO. 99-121**

JERRY REGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 4, 1999,
[to Amido Hicho, permit to Alter a
[Building (build a fence not to exceed six
[feet high along side property line) at 66
[Fountain Street.
[APPLICATION NO. 9915997.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **CONTINUE** the matter to **December 1, 1999.**

SPEAKERS: Jerry Regan, appellant; and Jace Levinson, architect for permit holder.

(10) **APPEAL NO. 99-138**

SUNSET SCAVENGER COMPANY, Appellant
vs.
DEPT. PUBLIC HEALTH, Respondent

[Protesting issuance on August 13, 1999,
[to Waste Resource Technologies,
[permit to Collect Refuse for the
[Veterans Administration Medical Center
[at 4150 Clement Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** he department and **GRANT** the permit with **CONDITIONS** agreed to by the parties.

SPEAKERS: Richard Hammond, attorney for permit holder; and Robert McCarthy, attorney for appellant.

The Board recessed from 8:32 to 8:37 p.m.

(11) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 16, 1999,
[to Betty Jo Hardison, permit to Alter a
[Building (vertical and horizontal additions) at 2931 Pierce Street.
[APPLICATION NO. 9805281S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President McInerney, the Board voted 5-0 to **CONTINUE** the matter to **November 17, 1999** for a site visit by Laurence Kornfield and Mary Gallagher.

SPEAKERS: Jeremy Paul, agent for appellants; Mary Gallagher, Zoning Administrator for the Planning Department; and Henry Shapiro, attorney for permit holder.

(12) **APPEAL NO. 99-143**

ELOISE MAGENHEIM, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 26, 1999,
[to Kenny Chiu, permit to Demolish a
[Building (four story two unit dwelling) at
[3134 - 3136 Fulton Street.
[APPLICATION NO. 9809197.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** Vice President Chin because of conflict of interest. Then after testimony, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with four **CONDITIONS**.

SPEAKERS: Eloise Mangenheim, appellant; Mary Gallagher, Zoning Administrator for the Planning Department; Alice Barkley, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for the Department; and Judith Boyajian, Deputy City Attorney.

Vice President Chin left the room at 6:10 p.m. and returned after the recess. The Board recessed from 6:44 to 6:58 p.m.

(13) **APPEAL NO. V99-139**

RODOLFO VELASQUEZ, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on August 24, 1999, of Front Set-
[back Variance (legalize construction of a
[front porch enclosure) at 58 Lobos
[Street.
[VARIANCE CASE NO. 99.417V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

SPEAKERS: Mary Gallagher, Zoning Administrator for the Planning Department; and Rodolfo Velasquez, appellant.

(14) **APPEAL NO. V99-140**

JEFF MAUK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August 27, 1999,
[to Cameron Galloway and David
[Terrance, Rear Yard Variance (remove
[existing detached carport and construct
[a new detached two-story over garage,
[approximately 27-foot wide by 27-foot
[deep, single-unit building in the required
[rear yard at the property line facing
[Hickory Street) for property at 514-516
[Oak Street.
[VARIANCE CASE NO. 99.521V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **CONDITIONS** agreed to by the parties.

SPEAKERS: Jeff Mauk, appellant.

(15) **APPEAL NO. V99-141**

PAULINE SHAVER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on August 25, 1999,
[to Tor Hansen, Off-Street Parking
[Variance (subject to conditional use
[authorization by the Planning Commis-
[sion, establish a live/work unit within an
[existing vacant, two-story commercial
[building with approximately 3,800 s.f.
[floor area without an independently
[accessible off-street parking space) at
[2500 Market Street.
[VARIANCE CASE NO. 99.170CV.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance.

SPEAKERS: None.

There being no further business, President McInerney adjourned the meeting at 9:25 p.m.

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

F
30
2
/17/99

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 17, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
NOV 15 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Dagmar Olson and Edwina Leggett, appellants requesting rehearing of Appeal No. V99-105, 55 Belmont Avenue. Hearing August 18, 1999. Upon motion by Vice President Chin, the Board voted 2-3 (Commissioners Cullum, Saunders and El Qadah dissented) to **UPHOLD** the Zoning Administrator and his findings.

ITEM B: Letter from Kelly Drumm, attorney for Magnolia Street Neighbors, appellant, requesting rehearing of Appeal No. V99-099, 1880 Lombard Street. Hearing September 29, 1999. Upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance. Adoption of findings October 13, 1999. Upon motion by Vice President Chin, the Board voted 5-0 to **ADOPT** findings.

ADOPTION OF FINDINGS:

ITEM C: Appeal No. 99-107, Keleta vs. Taxicab Commission. Hearing October 13, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that the appellant be placed on nine months suspension and the City Attorney prepare findings for adoption at a later date.

ITEM D: Appeal No. 99-122, Suleiman vs. Taxicab Commission. Hearing October 13, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that probation be for six months, suspension for one week, and required retraining be during the week of suspension, if possible.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM E: Letter from Gerri Scott, requesting that the Board take jurisdiction over Building Permit Application No. 9920050 issued to Portside to construct a demising wall with three-foot metal door and two electrical plugs in conduit at 403 Main Street.

Date issued	September 22, 1999
Last day to appeal	October 7, 1999
Request for jurisdiction	October 29, 1999

(4) **APPEAL NO. 99-147**

JAVIER PUENTES, dba "PUENTES TOWING", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on September 2, 1999, of tow car
[operator permit at 22 Newman Street.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(5B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

(6) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 16, 1999,
[to Betty Jo Hardison, permit to Alter a
[Building (vertical and horizontal addi-
[tions) at 2931 Pierce Street.
[APPLICATION NO. 9805281S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 99-145**

MARY RAVETTI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 2,
[1999, to Frank and Leslie Villarreal,
[permit to Alter a Building (tenant
[improvements to tanning salon, day
[spa) at 339A West Portal Avenue.
[APPLICATION NO. 9918539.
[FOR HEARING TODAY.

(9) **APPEAL NO. 99-051**

HOC NGUYEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Request dated March 29, 1999 for sus-
[pension of Building Permit Application
[No. 9902213 issued February 2, 1999
[for installation of 22 windows on the
[north and west of the building at 700
[Great Highway, for reason the
[replacement windows do not comply
[with the Design Guidelines for Ocean
[Beach Parcel 3 approved as part of
[87.081CPCP, Motion No. 11278 of the
[Planning Commission.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cather Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possib

Minutes of the hearing are available in alternative formats. If you require the use of a reader du the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rel disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In o to assist the City's efforts to accommodate such people, attendees at public meetings are remin that other attendees may be sensitive to various chemical based products. Please help the Cit accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Ma Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI access services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availabl

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pu Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Fran Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind indivi and entities that influence or attempt to influence local legislative or administrative action that may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pl contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/ (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

30
3
/17/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 17, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioners Allam El Qadah and Sabrina Saunders.

Lawrence Badiner, Chief of Neighborhood Planning for the Planning Department; Judith Boyajian, Deputy City Attorney; Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Commissioner Carole Cullum.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Jeremy Paul commented that he felt it was wrong for the Board to reschedule Item 7, Appeal No. 99-137, to accommodate the permit holder.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

DOCUMENTS DEPT.
NOV 24 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Dagmar Olson and Edwina Leggett, appellants requesting rehearing of Appeal No. V99-105, 55 Belmont Avenue. Hearing August 18, 1999. Upon motion by Vice President Chin, the

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cather Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possib

Minutes of the hearing are available in alternative formats. If you require the use of a reader dur the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rela disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In or

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, NOVEMBER 17, 1999 (cont'd.)

Board voted 2-3 (Commissioners Cullum, Saunders and El Qadah dissented) to **UPHOLD** the Zoning Administrator and his findings.

ACTION: After discussion, upon motion by President McInerney, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: Stephen Williams, attorney for appellants; Alice Barkley, attorney for variance holder; and Judith Boyajian, Deputy City Attorney.

ITEM B: Letter from Kelly Drumm, attorney for Magnolia Street Neighbors, appellant, requesting rehearing of Appeal No. V99-099, 1880 Lombard Street. Hearing September 29, 1999. Upon motion by President McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **GRANT** the variance. Adoption of findings October 13, 1999. Upon motion by Vice President Chin, the Board voted 5-0 to **ADOPT** findings.

ACTION: After discussion, upon motion by Vice President Chin, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKER: Alice Barkley, attorney for variance holder.

ADOPTION OF FINDINGS:

ITEM C: Appeal No. 99-107, Keleta vs. Taxicab Commission. Hearing October 13, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that the appellant be placed on nine months suspension and the City Attorney prepare findings for adoption at a later date.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 to **ADOPT** findings.

ITEM D: Appeal No. 99-122, Suleiman vs. Taxicab Commission. Hearing October 13, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that probation be for six months, suspension for one week, and required retraining be during the week of suspension, if possible.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 to **ADOPT** findings.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM E: Letter from Gerri Scott, requesting that the Board take jurisdiction over Building Permit Application No. 9920050 issued to Portside to construct a demising wall with three-foot metal door and two electrical plugs in conduit at 403 Main Street.

Date issued	September 22, 1999
Last day to appeal	October 7, 1999
Request for jurisdiction	October 29, 1999

ACTION: After discussion, upon motion by President McInerney, the Board voted 4-0 to **DENY** the request for jurisdiction.

SPEAKERS: Gerri Scott, requestor; Kevin Seward, permit holder; and Laurence Kornfield, Chief Building Inspector for the Department of Building Inspection.

(4) **APPEAL NO. 99-147**

JAVIER PUENTES, dba "PUENTES TOWING", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on September 2, 1999, of tow car
[operator permit at 22 Newman Street.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** by appellant prior to hearing.

Items (5A) and (5B) were heard together

(5A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(5B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 to **CONTINUE** the matter to **CALL OF THE CHAIR**.

(6) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 to **CONTINUE** the matter to **CALL OF THE CHAIR**.

(7) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 16, 1999,
[to Betty Jo Hardison, permit to Alter a
[Building (vertical and horizontal addi-
[tions) at 2931 Pierce Street.
[APPLICATION NO. 9805281S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 to **CONTINUE** the matter to **December 15, 1999**.

(8) **APPEAL NO. 99-145**

MARY RAVETTI, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 2,
[1999, to Frank and Leslie Villarreal,
[permit to Alter a Building (tenant
[improvements to tanning salon, day
[spa) at 339A West Portal Avenue.
[APPLICATION NO. 9918539.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Robert Sheppard, attorney for appellant; Alice Ravetti, in support of appellant; Lawrence Badiner, Chief of Neighborhood Planning for the Planning Department; Frank and Leslie Villarreal, permit holders; and Benjamin Yang, M.D. and Art Belenson, in support of permit holders.

(9) **APPEAL NO. 99-051**

HOC NGUYEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Request dated March 29, 1999 for sus-
[pension of Building Permit Application
[No. 9902213 issued February 2, 1999
[for installation of 22 windows on the
[north and west of the building at 700
[Great Highway, for reason the
[replacement windows do not comply
[with the Design Guidelines for Ocean
[Beach Parcel 3 approved as part of
[87.081CPCP, Motion No. 11278 of the
[Planning Commission.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0 to **CONTINUE** the matter to **January 19, 2000.**

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, NOVEMBER 17, 1999 (cont'd.)

There being no further business, President McInerney adjourned the meeting at 6:59 p.m.

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

F
30
2
/1/99

(Agenda)

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 1, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) Informational presentation by the Zoning Administrator on the variance procedures and findings.

(2) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT
NOV 3 0 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(4) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE**:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Malin Giddens requesting that the Board take jurisdiction over Building Permit Application No. 9921417 issued to Frank Lembi for repair of damaged partitions and installation of new lightweight partitions at the existing laundry room and fully sprinkled rear garage.

Date issued	October 8, 1999
Last day to appeal	October 25, 1999
Request for jurisdiction	November 12. 1999

ADOPTION OF FINDINGS:

ITEM B: Appeal No. 99-117, 370 De Haro Street (20 live/work units). Hearing November 3, 1999. The Board was polled if they had reviewed and considered the environmental documents. All answered "aye". Then after testimony, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit with findings prepared by appellant's attorney.

(5) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

(6) **APPEAL NO. 99-086**

VALMOR NETO. dba "BAHIA CABANA RESTAURANT". Appellant vs. POLICE DEPARTMENT. Respondent	[Decision of the Police Department [issued May 25, 1999 to suspend the [Dance Hall Keeper and Place of Entertainment permits for 360 days, 270 of [these days to be held in abeyance for a [probationary period of three years, at [1600 Market Street. [FOR HEARING TODAY.

(7) **APPEAL NO. 99-121**

JERRY REGAN. Appellant vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on August 4, 1999, [to Amido Hicho, permit to Alter a [Building (build a fence not to exceed six [feet high along side property line) at 66 [Fountain Street. [APPLICATION NO. 9915997. [FOR FURTHER HEARING TODAY.

8)

APPEAL NO. 99-155

MARTIN BUTSCHEK, Appellant
vs.
ART COMMISSION, Respondent

[Appeal of decision finding appellant in
[violation of Street Artist Ordinance 41-
[83, Sections 2405(b) and 2406(e) for
[selling in a location not designated by
[the Board of Supervisors and entering
[the name and certificate number of
[another street artist into the lottery; and
[suspending the appellant's certificate for
[six months, consisting of three months
[for each charge, running consecutively,
[commencing October 2, 1999 and
[ending March 30, 2000.
[STREET ARTIST CERT. NO. 3300.
[FOR HEARING TODAY.

Items (9A) and (9B) shall be heard together

9A)

APPEAL NO. 99-120

DANIEL WEAVER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 27, 1999, to
[Chung Kit Chan, permit to Erect a
[Building (single family dwelling) at 236
[Vernon Street.
[APPLICATION NO. 9906307S.
[FOR HEARING TODAY.

(9B)

APPEAL NO. 99-148

DANIEL WEAVER, Appellant
vs.
DEPT BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 1,
[1999, to Chung Kit Chan, permit to
[Erect a Building (two-story single family
[dwelling) at 238 Vernon Street.
[APPLICATION NO. 9906306S.
[FOR HEARING TODAY.

(10)

APPEAL NO. V99-083

SACRAMENTO STREET PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 27, 1999 of Variance in
[Part and Granting with Conditions in
[Part (appeal to overrule condition
[limiting new house to one-family; project
[has been redesigned to meet off-street
[parking and rear yard requirements) for
[property at 3489 Sacramento Street.
[VARIANCE CASE NO. 98.668V.
[FOR HEARING TODAY.

1)

APPEAL NO. V99-151

JOEL S. COOPERSMITH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 30, 1999, of Rear Yard
[and Usable Open Space Variances
[(legalize 2,100 square foot dwelling unit
[on the second floor of an existing two-
[story commercial building without
[providing the required rear yard and
[usable open space) for property at 3250
[– 17th Street.
[JURISDICTION GRANTED SEPTEM-
[BER 15, 1999.
[VARIANCE CASE NO. 98.981V.
[FOR HEARING TODAY.

(12)

APPEAL NO. V99-152

JOHN & GINA SHAMI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on September 14, 1999, of Side
[and Rear Yard Variances (to construct
[vertical additions to the existing one-
[story extensions on the east and west
[sides of the building; the first floor
[extension on east side will also be
[expanded to the line up with the front
[wall of the main portion of the building)
[for property at 225 Kenwood Way.
[VARIANCE CASE NO. 99.452V.
[FOR HEARING TODAY.

3)

APPEAL NO. 99-153

I-SYNDICATE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated September 14,
[1999, that Planning Code Section
[607.2(b) prohibits moving, rotating or
[otherwise physically animated signs and
[signs which contain lights that give the
[appearance of animation by flashing,
[blinking or fluctuating; therefore the
[proposed electronic message board to
[be used as a business sign with a
[change of message frequency of five to
[ten seconds at 455 -- 9th Street would
[not be permitted.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marke Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Po Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people ar that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

DOCUMENTS DEPT.
DEC 16 1999
SAN FRANCISCO
PUBLIC LIBRARY

F
30
3
/1/99

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 1, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) Informational presentation by the Zoning Administrator on the variance procedures and findings.

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Marian Aird, Coalition of San Francisco Neighborhoods; Ramona Albright, Twin Peaks Council & Open Space Conservancy; Jake McGoldrick, Richmond Community Association; Hirosh Fukuda, Richmond Community Association; John Barbey, San Francisco Coalition of Neighborhoods & Liberty Hill Neighborhood Association.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President McInerney, Commissioner El Qadah, Commissioner Carole Cullum, and Vice President Chin.

(4) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Malin Giddings requesting that the Board take jurisdiction over Building Perm Application No. 9921417 issued to Frank Lembi for repair of damaged partitions and installation of ne lightweight partitions at the existing laundry room and fully sprinkled rear garage.

Date issued	October 8, 1999
Last day to appeal	October 25, 1999
Request for jurisdiction	November 12, 1999

ACTION: Upon motion by Commissioner Cullum, the Board voted to recuse President McInerney. (5-0 Upon motion by Vice President Chin, the Board voted to continue this matter to January 12, 2000. (4-0)

SPEAKERS: John Sanger, Attorney; Laurence Kornfield, Chief Building Inspector, DBI.

ADOPTION OF FINDINGS:

ITEM B: Appeal No. 99-117, 370 De Haro Street (20 live/work units). Hearing November 3, 1999. Th Board was polled if they had reviewed and considered the environmental documents. All answere "aye". Then after testimony, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the perm with findings prepared by appellant's attorney.

ACTION: Upon motion by Commissioner El Qadah, the Board voted to adopt the findings. (5-0)

(5) **CONSENT ITEMS**: With the consent of the Department of Building Inspection the Board will proceed a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provid for in the Building Code. Without consent the Board will take testimony and then decide the appe individually.

ACTION: None.

(6) **APPEAL NO. 99-086**

VALMOR NETO, dba "BAHIA CABANA RESTAURANT", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Decision of the Police Department
[issued May 25, 1999 to suspend the
[Dance Hall Keeper and Place of Enter-
[tainment permits for 360 days, 270 of
[these days to be held in abeyance for a
[probationary period of three years, at
[1600 Market Street.
[FOR HEARING TODAY.

ACTION: Rescheduled to February 2, 2000.

SPEAKERS: Tim Gomes, Attorney for appellant.

(7) **APPEAL NO. 99-121**

JERRY REGAN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 4, 1999,
[to Amido Hicho, permit to Alter a
[Building (build a fence not to exceed six
[feet high along side property line) at 66
[Fountain Street.
[APPLICATION NO. 9915997.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the permit **CONDITION** that the front fifty feet of fence shall be removed and last twenty feet of fence shall rem and no certificate of final completion shall be issued until this condition has been met.

SPEAKERS: Jerry Regan, appellant; Anna Hicho, owner of subject property; Jace Levinson, archi for subject property owner.

(8) **APPEAL NO. 99-155**

MARTIN BUTSCHEK, Appellant
vs.
ART COMMISSION, Respondent

[Appeal of decision finding appellant in
[violation of Street Artist Ordinance 41-
[83, Sections 2405(b) and 2406(e) for
[selling in a location not designated by
[the Board of Supervisors and entering
[the name and certificate number of
[another street artist into the lottery; and
[suspending the appellant's certificate for
[six months, consisting of three months
[for each charge, running consecutively,
[commencing October 2, 1999 and
[ending March 30, 2000.
[STREET ARTIST CERT. NO. 3300.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Arts Commission on Count 1, selling from a sidewalk not designated by the program, with the penalty to be an eight-week suspension commencing January 10, 2000.

Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Arts Commission on Count 2, that appellant had entered his son's name at lottery where his son was alleged to not be present, with no penalty for this count.

SPEAKERS: Howard Lazar, director of the Street Artist Program; Martin Butschek, appellant; Robert Siu, street artist; Gerard Cracas, street artist; and Officer Stuart Ng, Police Department.

Items (9A) and (9B) shall be heard together

(9A) **APPEAL NO. 99-120**

DANIEL WEAVER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 27, 1999, to
[Chung Kit Chan, permit to Erect a
[Building (single family dwelling) at 236
[Vernon Street.
[APPLICATION NO. 9906307S.
[FOR HEARING TODAY.

ACTION: Rescheduled to March 1, 2000.

SPEAKERS: None.

(9B) **APPEAL NO. 99-148**

DANIEL WEAVER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 1,
[1999, to Chung Kit Chan, permit to
[Erect a Building (two-story single family
[dwelling) at 238 Vernon Street.
[APPLICATION NO. 9906306S.
[FOR HEARING TODAY.

ACTION: Rescheduled to March 1, 2000.

SPEAKERS: None.

(10) **APPEAL NO. V99-083**

SACRAMENTO STREET PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 27, 1999 of Variance in
[Part and Granting with Conditions in
[Part (appeal to overrule condition
[limiting new house to one-family; project
[has been redesigned to meet off-street
[parking and rear yard requirements) for
[property at 3489 Sacramento Street.
[VARIANCE CASE NO. 98.668V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-1(Vice President Chin dissentin to **OVERRULE** the Zoning Administrator's **CONDITION**, that is, to allow for a 2-family house on t condition that a reconfigured 7-car garage be used.

SPEAKERS: Alice Suet Yee Barkley, attorney for appellant; Laurence Kornfield, Chief Buildi Inspector, DBI; Mary Gallagher, Zoning Administrator; Peter Trendell, Deborah Petrice, Barry McKenn Dennis McKenna, Steve Schroeder, C. Gishifu, B. Ulrich, & M. Richardson, all 3rd parties in opposition appellant.

(11) **APPEAL NO. V99-151**

JOEL S. COOPERSMITH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on June 30, 1999, of Rear Yard
[and Usable Open Space Variances
[(legalize 2,100 square foot dwelling unit
[on the second floor of an existing two-
[story commercial building without
[providing the required rear yard and
[usable open space) for property at 3250
[– 17th Street.
[JURISDICTION GRANTED SEPTEM-
[BER 15, 1999.
[VARIANCE CASE NO. 98.981V.
[FOR HEARING TODAY.

ACTION: Rescheduled to April 5, 2000.

SPEAKERS: None.

(12) **APPEAL NO. V99-152**

JOHN & GINA SHAMI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on September 14, 1999, of Side
[and Rear Yard Variances (to construct
[vertical additions to the existing one-
[story extensions on the east and west
[sides of the building; the first floor
[extension on east side will also be
[expanded to the line up with the front
[wall of the main portion of the building)
[for property at 225 Kenwood Way.
[VARIANCE CASE NO. 99.452V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-1(President McInerney dissenting to **OVERRULE** the Zoning Administrator and to **GRANT** the variances with findings to be prepared by th Executive Secretary.

SPEAKERS: Mary Gallagher, Zoning Administrator; John & Gina Shami, appellants; and Jack Renault 3rd party in support of appellants.

(13) **APPEAL NO. 99-153**

I-SYNDICATE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated September 14,
[1999, that Planning Code Section
[607.2(b) prohibits moving, rotating or
[otherwise physically animated signs and
[signs which contain lights that give the
[appearance of animation by flashing,
[blinking or fluctuating; therefore the
[proposed electronic message board to
[be used as a business sign with a
[change of message frequency of five to
[ten seconds at 455 – 9th Street would
[not be permitted.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and to allow the electronic message sign on the **CONDITION** that there be a 1-hour interv between message changes.

SPEAKERS: Mary Gallagher, Zoning Administrator; Mary Fenton, agent for appellant; and Terry Long from Ad Art.

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, DECEMBER 1, 1999

There being no further business, President McInerney adjourned the meeting at 9:35 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (41
362-5991.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

30

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 8, 1999

/8/99

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
DEC 0 3 1999
SAN FRANCISCO
PUBLIC LIBRARY

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12, 1998, to John and Evelyn Schiappacasse, permit to Alter a Building (remove walls to provide parking spaces and remove daycare facility) at 2234-2236 Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18, 1999.
[FOR FURTHER HEARING TODAY.

(4) **APPEAL NO. 99-135**

DAVID G. ROBINS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 12, 1999, to Lisa Honig, permit to Alter a Building (add spiral staircase at rear of building) at 320 Rutledge Street.
[APPLICATION NO. 9916612.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-156**

JONATHAN DOSKOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 20, 1999, to Lille Koski, permit to Alter a Building (build new fence along side property line) at 2309 Lincoln Way.
[APPLICATION NO. 9919766.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-160**

RUTH L. KEADY, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 30, 1999, to Carlota M. Asturias, permit to Erect a Building (three-story single family dwelling) at 57 Arbor Street.
[APPLICATION NO. 9825583S.
[FOR HEARING TODAY.

(7)

APPEAL NO. 99-161

ROYCE VAUGHN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 28,
[1999, to West Corp Development
[Group, permit to Alter a Building (Rite-
[Aid upgrades-relocation of furniture
[racking, remove one cashier desk, add
[walk-in cooler and freezer; adjust
[existing walls and columns per field
[measurements; provide seismic fixture
[bracing) at 1830 Ocean Avenue.
[APPLICATION NO. 9917416.
[FOR HEARING TODAY.

Items (8A) through (8F) shall be heard together

(8A)

APPEAL NO. 99-178

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical and horizontal
[additions) at 3995 Alemany Blvd.
[APPLICATION NO. 9913157S.
[FOR HEARING TODAY.

(8B)

APPEAL NO. 99-179

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 60
[units) at 3981 Alemany Blvd.
[APPLICATION NO. 9913396S.
[FOR HEARING TODAY.

(8C)

APPEAL NO. 99-180

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 73
[units) at 3961 Alemany Blvd.
[APPLICATION NO. 9913397S.
[FOR HEARING TODAY.

(8D)

APPEAL NO. 99-181

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION. Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 59
[units) at 3941 Alemany Blvd.
[APPLICATION NO. 9913398S.
[FOR HEARING TODAY.

(8E)

APPEAL NO. 99-182

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 90
[units) at 3921 Alemany Blvd.
[APPLICATION NO. 9913399S.
[FOR HEARING TODAY.

(8F)

APPEAL NO. 99-183

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 88
[units) at 3901 Alemany Blvd.
[APPLICATION NO. 9913400S.
[FOR HEARING TODAY.

9) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator determination
[dated September 24, 1999 that the
[proposed screened off-street parking
[space in front of 1970 Jackson Street is
[not permitted under Planning Code
[Section 132(b) which requires a 13-foot
[front setback, unless a variance is
[sought and granted.
[APPLICATION NO. 9918712.
[FOR HEARING TODAY.

Date posted: December 2, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, evocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In ord to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street. and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessib services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct t people's business. This ordinance assures that deliberations are conducted before the people a that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that t may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

At this time, members of the public may address the Board on items of interest

City and County of San Francisco **Board of Appeals**

NOTICE OF CANCELLATION

THE BOARD OF APPEALS HAS CANCELLED ITS SCHEDULED MEETING AND PUBLIC HEARINGS ON DECEMBER 8, 1999 FOR LACK OF A QUORUM.

THE APPEALS SCHEDULED FOR DECEMBER 8, 1999 ARE BEING RESCHEDULED TO DECEMBER 15, 1999 AT 5:30 P.M. IN ROOM 416, CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE.

FOR INFORMATION REGARDING THESE MATTERS OR ANYTHING RELATED TO THE BOARD OF APPEALS PLEASE TELEPHONE THE BOARD OFFICE AT 575-6880 DURING REGULAR BUSINESS HOURS OR VISIT THE BOARD OFFICE IN ROOM 3036, 1660 MISSION STREET.

For the BOARD OF APPEALS
Robert H. Feldman
Executive Secretary

Posted: 3:00 p.m. December 8, 1999

to assist the City's efforts to accommodate such people. attendees at public meetings are reminded

Agenda

30
2
/15/99

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 15, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

DOCUMENTS DEPT.
DEC 10 1999
SAN FRANCISCO
PUBLIC LIBRARY

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING AND ADOPTION OF FINDINGS:

ITEM A: Letter from Tom Owen, Deputy City Attorney, requesting rehearing on behalf of Taxicab Commission for Appeal No. 99-107, Keleta vs. Taxicab Commission. Hearing October 13, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that the appellant be placed on nine months suspension and the City Attorney prepare findings for adoption at a later date.

ITEM B: Adoption of findings for Appeal 99-107.

REQUEST FOR REHEARING:

ITEM C: Letter from Rodolfo Velasquez, appellant, requesting rehearing of Appeal No. V99-139, 50 Lobos Street. Hearing November 3, 1999. Upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

ADOPTION OF FINDINGS:

ITEM D: Appeal V99-083, hearing on December 1, 1999. On motion by Commissioner El Qadah, the Board voted 4-1 to **OVERRULE** the Zoning Administrator and allow a two-family house on the condition that a reconfigured 7-car garage be used.

(4) **APPEAL NO. 99-135**

DAVID G. ROBINS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 12, 1999,
[to Lisa Honig, permit to Alter a Building
[(add spiral staircase at rear of building)
[at 320 Rutledge Street.
[APPLICATION NO. 9916612.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-156**

JONATHAN DOSKOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 20,
[1999, to Lille Koski, permit to Alter a
[Building (build new fence along side
[property line) at 2309 Lincoln Way.
[APPLICATION NO. 9919766.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-161**

ROYCE VAUGHN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 28,
[1999, to West Corp Development
[Group, permit to Alter a Building (Rite-
[Aid upgrades-relocation of furniture
[racking, remove one cashier desk, add
[walk-in cooler and freezer; adjust
[existing walls and columns per field
[measurements; provide seismic fixture
[bracing) at 1830 Ocean Avenue.
[APPLICATION NO. 9917416.
[FOR HEARING TODAY.

Items (7A) through (7F) shall be heard together

(7A) **APPEAL NO. 99-178**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical and horizontal
[additions) at 3995 Alemany Blvd.
[APPLICATION NO. 9913157S.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 99-179**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 60
[units) at 3981 Alemany Blvd.
[APPLICATION NO. 9913396S.
[FOR HEARING TODAY.

(7C) **APPEAL NO. 99-180**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 73
[units) at 3961 Alemany Blvd.
[APPLICATION NO. 9913397S.
[FOR HEARING TODAY.

(7D) **APPEAL NO. 99-181**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 59
[units) at 3941 Alemany Blvd.
[APPLICATION NO. 9913398S.
[FOR HEARING TODAY.

(7E) **APPEAL NO. 99-182**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2,
[1999, to Emerald Fund, permit to Alter a
[Building (vertical addition to add 90
[units) at 3921 Alemany Blvd.
[APPLICATION NO. 9913399S.
[FOR HEARING TODAY.

(7F) **APPEAL NO. 99-183**

3995 ALEMANY BLVD. PROJECT COMMITTEE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 2, [1999, to Emerald Fund, permit to Alter a [Building (vertical addition to add 88 [units) at 3901 Alemany Blvd.
[APPLICATION NO. 9913400S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator determination [dated September 24, 1999 that the [proposed screened off-street parking [space in front of 1970 Jackson Street is [not permitted under Planning Code [Section 132(b) which requires a 13-foot [front setback, unless a variance is [sought and granted.
[APPLICATION NO. 9918712.
[FOR HEARING TODAY.

(9) **APPEAL NO. 98-046**

GERARDO PINTO & MARIANNE RUDDY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998, of permit to [Alter a Building (legalize flat on ground [floor; add windows in kitchen and living [room; add fan and light in bathroom; [provide fire wall and door between [garage and flat) at 1506-08 Alabama [Street.
[APPLICATION NO. 9802518S.
[FOR FURTHER HEARING TODAY.

(10) **APPEAL NO. 99-162**

THELMA M. KANAWYER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on September 30, 1999, of [permit to Remove and Replace three [trees at 160 Belgrave Avenue.
[ORDER NO. 171,963.
[FOR HEARING TODAY.

(11) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 16, 1999, [to Betty Jo Hardison, permit to Alter a [Building (vertical and horizontal additions) at 2931 Pierce Street.
[APPLICATION NO. 9805281S.
[FOR HEARING TODAY.

Items (12A) and (12B) shall be heard together

(12A) **APPEAL NO. 99-163**

JASON S. SQUIRE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 29, [1999, to Penz LLC, permit to Erect a [Building (25 live/work units) at 1468 – [25th Street.
[APPLICATION NO. 9803043S.
[FOR HEARING TODAY.

(12B) **APPEAL NO. 99-164**

JASON S. SQUIRE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 29,
[1999, to Penz LLC, permit to Erect a
[Building (26 live/work units) at 1082
[Pennsylvania Avenue.
[APPLICATION NO. 9905490S.
[FOR HEARING TODAY.

(13) **APPEAL NO. 99-165**

ELIZABETH V. WILSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 9,
[1999, to Brad Polvorosa, permit to Alter
[a Building (emergency replacement of
[rear stairs used for second egress;
[remove existing concrete shingles and
[expose existing siding underneath) at
[63-67 Glover Street.
[APPLICATION NO. 9918504.
[FOR HEARING TODAY.

Date posted: December 9, 1999

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	**PRESIDENT**
ARNOLD Y.K. CHIN	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cather Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possib

Minutes of the hearing are available in alternative formats. If you require the use of a reader dur the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rela disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In or to assist the City's efforts to accommodate such people, attendees at public meetings are reminc that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Ma Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI access services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across F Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availabl

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pu Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force at 554-6171.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individ and entities that influence or attempt to influence local legislative or administrative action that may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16. to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site: www.ci.sf.ca.us/ethics/, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
Government Infor. Center
Larkin/Grove Sts.
Dept. 41

SF
P30
#3
12/15/99

DOCUMENTS DEPT.
DEC 2 2 1999
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 15, 1999

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice President Arnold Chin, Commissioner Carole Cullum, and Commissioner Allam El Qadah.

Robert H. Feldman, Executive Secretary for the Board of Appeals; Judith Boyajian, Deputy City Attorney; Larry Badiner, Chief of Neighborhood Planning, PD; and Laurence Kornfield, Chief Building Inspector, DBI.

ABSENT: Commissioner Sabrina Saunders.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Barry Taranto, United Taxicab Workers, who urged the Board to uphold the Taxi Commission's disciplinary actions regarding taxicab medallions.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS:**

SPEAKERS: Commissioner Cullum, concerning a request to schedule a vote at the January 19, 2000 hearing for suspension of the rules with respect to Appeal No. 99-073, in order to give the appellants another opportunity to file a request for rehearing.

Vice President Chin reminded the staff to give notice of the above motion to all parties.

President McInerney also spoke about the hearings in general, and greeted the members of the public to the Board's last meeting of the millennium and the century.

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING AND ADOPTION OF FINDINGS:

ITEM A: Letter from Tom Owen, Deputy City Attorney, requesting rehearing on behalf of Taxicab Commission for Appeal No. 99-107, Keleta vs. Taxi Commission. Hearing October 13, 1999. Upon motion by Commissioner Cullum, the Board voted 4-1 (President McInerney dissented) to **OVERRULE** the department with the **CONDITION** that the appellant be placed on nine months suspension and the City Attorney prepare findings for adoption at a later date.

SPEAKERS: Tom Owen, Deputy City Attorney; and Geoffrey Rotwein, attorney for appellant.

ACTION: Upon motion by Vice President Chin, the Board voted 2-2 (Commissioner Saunders absent, Commisioners Cullum & El Qadah dissenting) to grant the request for rehearing; 4 votes are needed and the motion failed, thus the request for rehearing was **DENIED.**

ITEM B: Adoption of findings for Appeal 99-107.

SPEAKERS: Tom Owen, Deputy City Attorney; and Geoffrey Rotwein, attorney for appellant.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Saunders absent) to **ADOPT** the findings.

REQUEST FOR REHEARING:

ITEM C: Letter from Rodolfo Velasquez, appellant, requesting rehearing of Appeal No. V99-139, 50 Lobos Street. Hearing November 3, 1999. Upon motion by Vice President Chin, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

SPEAKER: Rodolfo Velasquez, appellant.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 (Commissioner Saunders absent) to **DENY** the request for rehearing.

ADOPTION OF FINDINGS:

ITEM D: Appeal V99-083, hearing on December 1, 1999. On motion by Commissioner El Qadah, the Board voted 4-1 to **OVERRULE** the Zoning Administrator and allow a two-family house on the condition that a reconfigured 7-car garage be used.

SPEAKERS: None.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunders absent) to **ADOPT** the findings.

(4) **APPEAL NO. 99-135**

DAVID G. ROBINS, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[August 12, 1999, to Lisa
[Honig, permit to Alter a
[Building (add spiral
[staircase at rear of building)
[at 320 [Rutledge Street.
[APPLICATION NO.
[9916612.
[FOR FURTHER HEARING
[TODAY.

SPEAKERS: None. Permit holder was present and did not testify.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Saunders absent) to **UPHOLD** the permit.

(5) **APPEAL NO. 99-156**

JONATHAN DOSKOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 20, 1999, to Lille
[Koski, permit to Alter a
[Building (build new fence
[along side property line) at
[2309 Lincoln Way.
[APPLICATION NO.
[9919766.
[FOR HEARING TODAY.

SPEAKERS: None.

ACTION: The Board voted 4-0 (Commissioner Saunders absent) to **RESCHEDULE** this case to January 19, 2000 at the request of appellant with agreement of permit holder.

(6) **APPEAL NO. 99-161**

ROYCE VAUGHN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 28, 1999, to
[West Corp Development
[Group, permit to Alter a
[Building (Rite-Aid upgrades-
[relocation of furniture
[racking, remove one cashier
[desk, add walk-in cooler
[and freezer; adjust existing
[walls and columns per field
[measurements; provide
[seismic fixture bracing) at
[1830 Ocean Avenue.
[APPLICATION NO.
[9917416.

[FOR HEARING TODAY.

SPEAKERS: Royce Vaughn, appellant; Robert McCarthy, attorney for permit holder/project sponsor; Paul Conroy, West of Twin Peaks Council; Regina Blosser, Ocean View-Merced-Ingleside (OMI); and Dan Weaver, Ocean View-Merced-Ingleside (OMI) for project.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner Saunders absent) to **UPHOLD** the permit.

Items (7A) through (7F) shall be heard together

(7A) **APPEAL NO. 99-178**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 2, 1999, to
[Emerald Fund, permit to
[Alter a Building (vertical
[and horizontal additions) at
[3995 Alemany Blvd.
[APPLICATION NO.
[9913157S.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 99-179**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 2, 1999, to
[Emerald Fund, permit to
[Alter a Building (vertical
[addition to add 60 units) at
[3981 Alemany Blvd.
[APPLICATION NO.
[9913396S.
[FOR HEARING TODAY.

(7C) **APPEAL NO. 99-180**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 2, 1999, to
[Emerald Fund, permit to
[Alter a Building (vertical
[addition to add 73 units) at
[3961 Alemany Blvd.
[APPLICATION NO.
[9913397S.
[FOR HEARING TODAY.

(7D) **APPEAL NO. 99-181**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 2, 1999, to
[Emerald Fund, permit to
[Alter a Building (vertical
[addition to add 59 units) at
[3941 Alemany Blvd.
[APPLICATION NO.
[9913398S.
[FOR HEARING TODAY.

(7E) **APPEAL NO. 99-182**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 2, 1999, to
[Emerald Fund, permit to
[Alter a Building (vertical
[addition to add 90 units) at
[3921 Alemany Blvd.
[APPLICATION NO.
[9913399S.
[FOR HEARING TODAY.

(7F) **APPEAL NO. 99-183**

3995 ALEMANY BLVD. PROJECT COMMITTEE,
Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[November 2, 1999, to
[Emerald Fund, permit to
[Alter a Building (vertical
[addition to add 88 units)
[at 3901 Alemany Blvd.
[APPLICATION NO.
[9913400S.
[FOR HEARING TODAY.

SPEAKERS: Frank Bacon, attorney for appellant; Marc Christensen, for appellant; Christiani Johnson, architect for permit holder; Steven Vettel, attorney for permit holder; Karen Weise, agent for permit holder; Larry Badiner, Chief of Neighborhood Planning, PD; Daniel Weaver, Ocean View-Merced-Ingleside (OMI); Regina Blosser, Ocean View-Merced-Ingleside (OMI); Royce Vaughn, Ocean View-Merced-Ingleside (OMI); Christina McCall, in support of permit holder; Ronald Henry, Albertson's supermarket chain; Clarence Shaw, HCDC; William Randle, HCDC; Daniel Troche, in support of appellant; and Alyse Christensen, in support of appellant.

ACTION: Upon motion by President McInerney, the Board voted 4-0 (Commissioner Saunders absent) to **UPHOLD** the permits on **CONDITION** that the Panama alley be widened to 30', and that the 6-8 trees on Panama alley shall be retained, with **FINDINGS** as stated on the record by Vice President Chin.

(8) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Zoning Administrator
[determination dated
[September 24, 1999 that
[the proposed screened
[off-street parking space
[in front of 1970 Jackson
[Street is not permitted
[under Planning Code
[Section 132(b) which
[requires a 13-foot front
[setback, unless a
[variance is sought and
[granted.
[APPLICATION NO.
[9918712.
[FOR HEARING TODAY.

SPEAKERS: None.

ACTION: The Board voted 4-0 (Commissioner Saunders absent) to **CONTINUE** this case to January 12, 2000 at the request of the appellants.

(9) **APPEAL NO. 98-046**

GERARDO PINTO & MARIANNE RUDDY, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on March 6, 1998,
[of permit to Alter a
[Building (legalize flat on
[ground floor; add
[windows in kitchen and
[living room; add fan and
[light in bathroom; provide
[fire wall and door
[between garage and flat)
[at 1506-08 Alabama
[Street.
[APPLICATION NO.
[9802518S.
[FOR FURTHER
[HEARING TODAY.

SPEAKER: Gerardo Pinto, appellant.

ACTION: Upon motion by President McInerney, the Board voted 4-0 (Commissioner Saunders absent) to **CONTINUE** this case to June 14, 2000.

(10) **APPEAL NO. 99-162**

THELMA M. KANAWYER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on September 30,
[1999, of permit to
[Remove and Replace
[three trees at 160
[Belgrave Avenue.
[ORDER NO. 171,963.
[FOR HEARING TODAY.

SPEAKERS: None. Appellant was present and did not speak. Department was not present.

ACTION: The Board voted 4-0 (Commissioner Saunders absent) to **OVERRULE** the Department of Public Works and grant the permit.

(11) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[August 16, 1999, to Betty
[Jo Hardison, permit to Alter
[a Building (vertical and
[horizontal additions) at
[2931 Pierce Street.
[APPLICATION NO.
[9805281S.
[FOR HEARING TODAY.

SPEAKERS: Larry Badiner, Chief of Neighborhood Planning, PD; Henry Shapiro, agent for permit holder; Leslie Arnold, agent for permit holder; and Jeremy Paul, agent for appellants.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunders absent) to **CONTINUE** this case to January 12, 2000.

Items (12A) and (12B) shall be heard together

(12A) **APPEAL NO. 99-163**

JASON S. SQUIRE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 29, 1999, to
[Penz LLC, permit to Erect
[a Building (25 live/work
[units) at 1468 25th Street.
[APPLICATION NO.
[9803043S.
[FOR HEARING TODAY.

(12B) **APPEAL NO. 99-164**

JASON S. SQUIRE, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 29, 1999, to
[Penz LLC, permit to Erect
[a Building (26 live/work
[units) at 1082
[Pennsylvania Avenue.
[APPLICATION NO.
[9905490S.
[FOR HEARING TODAY.

SPEAKERS: Jason Squire, appellant; Sharon Squire, in support of appellant; Sue Hestor, in support of appellant; Larry Badiner, Chief of Neighborhood Planning, PD; Mack Burton, in support of permit holder; Paul Chow, permit holder/project sponsor; and Steven Vettel, attorney for permit holder.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunders absent) to **UPHOLD** the permit at 1468 25th Street with **NO CONDITIONS**, and to **UPHOLD** the permit at 1082 Pennsylvania Avenue on **CONDITION** that an additional 3' setback be added to unit 406, and that unit 405 be revised to have a 45 degree sloped roof of fire retardant glass (or wire mesh glass) on its northerly side.

(13) **APPEAL NO. 99-165**

ELIZABETH V. WILSON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on
[September 9, 1999, to
[Brad Polvorosa, permit to
[Alter a Building
[(emergency replacement of
[rear stairs used for second
[egress; [remove existing
[concrete shingles and
[expose existing siding
[underneath) at 63-67
[Glover Street.
[APPLICATION NO.
[9918504.
[FOR HEARING TODAY.

SPEAKERS: Elizabeth Wilson, protest appellant; Jeremy Paul, agent for permit holder; and Laurence Kornfield, Chief Building Inspector, DBI.

ACTION: Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunders absent) to **UPHOLD** the permit on **CONDITION** that the firewall cap be cut ¾" with added flashing so as to prevent the two structures from touching.

There being no further business, President McInerney adjourned the meeting at 9:11 p.m.

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, at (415) 362-5991.

2

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky